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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

October Term, 1973.

No. 73-1401

FRANCIS X. BECKER, individually and on behalf of all other taxpayers of the Village of Lynbrook similarly situated, and on behalf of all other taxpayers residing in the incorporated villages of the State of New York similarly situated and FRANCIS X. BECKER, Mayor of the Incorporated Village of Lynbrook, New York, WILLIAM E. BUZZEO, KURT ARNDT, WILLIAM J. O'BRIEN and LAWRENCE B. FLORIO, individually and as Trustees of the Incorporated Village of Lynbrook, and the INCORPORATED VILLAGE OF LYNBROOK, NEW YORK,

Petitioners,

against

ARTHUR LEVITT, as Comptroller of the State of New York, and NORMAN F. GALLMAN, as Commissioner of Taxation & Finance of the State of New York,

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

JAY F. KORTH,
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(516) LY 9-4077 and LY 9-4001.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1973.

FRANCIS X. BECKER, individually and on behalf of all other taxpayers of the Village of Lynbrook similarly situated, and on behalf of all other taxpayers residing in the incorporated villages of the State of New York similarly situated, and FRANCIS X. BECKER, Mayor of the Incorporated Village of Lynbrook, New York, WILLIAM E. BUZZEO, KURT ARNDT, WILLIAM J. O'BRIEN and LAWRENCE B. FLORIO, individually and as Trustees of the Incorporated Village of Lynbrook, and the INCORPORATED VILLAGE OF LYNBROOK, NEW YORK,

Petitioners,

against

ARTHUR LEVITT, as Comptroller of the State of New York, and NORMAN F. GALLMAN, as Commissioner of Taxation & Finance of the State of New York,

Respondents.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

The petitioners above named respectfully pray that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Second Circuit, entered in this proceeding December 21, 1973, affirming an order of the Eastern District Court of New York (Travia, J.) which granted respondents' motion to dismiss the complaint for lack of subject-matter jurisdiction and for failure to state a claim on which relief can be granted.

Opinion Below.

The opinion of the Court of Appeals for the Second Circuit appears in the Appendix.

Jurisdiction.

The judgment of the Court of Appeals for the Second Circuit was entered on December 21, 1973. No petition for rehearing has been made to the Court of Appeals and this petition was filed within 90 days of that date. This court's jurisdiction is invoked under 28 U. S. C. Section 1254 (1).

Question Presented.

Whether portions of Section 54 of the State Finance Law of the State of New York are violative of Article IV, Section 2, of the U. S. Constitution and the 14th Amendment in depriving petitioners of the equal protection of the law, by distributing *per capita* state aid in a ratio of six (6) to one (1) between cities and villages of the same size, population-wise. The text of said Section 54 is set forth in the appendix annexed to the amended complaint.

Statement of the Case.

This action was instituted by the petitioners both in their capacities as individual taxpayers and as municipal officials, seeking to enjoin the respondents from implementing portions of the State Finance Law of the State of New York and for a declaration that the said law is unconstitutional. Under Section 54 of the State Finance Law, payments are made by the respondents, or either of them, to cities and villages in the State of New York in accordance with a formula which provides that the

cities are to receive nine (9%) per cent of income tax collections made by the State of New York. The nine (9%) per cent thus received by cities in the State of New York is in addition to the amount received by them in sharing another nine (9%) per cent with the counties, towns and villages in this state.

The net result of these formulae is that cities are paid at a rate of eight dollars and sixty cents ($8.60) per capita as against a per capita payment of three dollars and sixty cents ($3.60) to villages pursuant to one section of the law, and, at the same time, receive six dollars ($6) in state aid for each one dollar ($1) received by villages under another part of the same law.

Reasons for Granting the Writ.

Although there are two concurring opinions, concurred in by the third member of the Circuit Court, neither one touches upon two of the key points urged by the petitioners (appellants) in that court. Specifically, no mention is made of the contention, strenuously argued, that the few major cities of the state are in a class by themselves and should be treated accordingly, and not be lumped together with the many small hamlets scattered throughout the state which happen to be called "cities." Stress is laid upon the fact that so-called "cities" have, in the abstract, broader powers than do "villages"; this really begs the question, since the criterion should be, in all logic, what powers do these hamlets called "cities" actually exercise; that is, what municipal services do they actually provide for their resident-taxpayers. How can anyone reasonably justify treating the City of Sherrill (pop. 2,986) the same as the Village of Lynbrook (pop. 23,776)? Conversely, how can there be any justification for paying, both in Nassau County, the City of

Glen Cove (pop. 25,770) state aid of $828,000 while paying the Village of Lynbrook $120,900!

In other contexts, the New York State Legislature recognizes that miniscule "cities" should not be treated the same as New York City, Buffalo, Albany, etc. For instance, in the Vehicle and Traffic Law, "cities" have been classified according to size (population) as follows:

> (a) City of the first class. A city with a population of 175,000 or more. (b) City of the second class. A city with a population of 50,000 and less than 175,000. (c) City of the third class. Any city not included in the foregoing classes.

Certainly, if it was not too difficult for the Legislature to make distinctions between cities of the first, second and third classes in the aforesaid statute, then it could have easily done so in the State Finance Law as well.

In further recognition of the need to differentiate between large and small cities, the Legislature enacted the Second Class Cities Law, comprising a statutory scheme of over one hundred (100) sections. Moreover, there are in the State of New York cities of the third class as well, according to Section 234 of the General Municipal Law. Having thus clearly recognized the need to classify cities according to size, the Legislature could not properly disregard such classifications in enacting the challenged portions of the State Finance Law. Certainly, the distribution of income tax moneys in the form of *per capita* state aid is as equally vital to the citizens of New York State, as are the matters which are dealt with in the Vehicle and Traffic Law, Second Class Cities Law and the General Municipal Law as referred to hereinabove. Therefore, the Legislature should have broken down the cities into first, second and third classes for equitable apportionment of state aid under the State Finance Law.

The other point overlooked by the honorable judges of the Circuit Court was the critical one pertaining to the matter of discriminatory preclusion; that is, that paragraph 2(g) of Section 54 of the State Finance Law perpetuated the inherent unfairness of the statutory scheme by expressly precluding "villages" from changing to "cities," as they formerly could, in order to be eligible for the preferential treatment accorded the latter. This pernicious section limits payments "* * * to the cities in the state in existence on April one, nineteen hundred sixty-eight * * *," thereby effectively barring the citizens of Lynbrook from changing the form of their local government from a "village" to a "city," in order to qualify for state aid six (6) times greater than they now receive.

Equal protection of the law means the protection of life, liberty and property by the enactment of equal laws. *Yick Wo v. Hopkins,* 118 U. S. 356 (1886). It prohibits all individious discrimination and requires equal protection to all in interposing no impediment to some of the people and not to others. It requires equal protection to all in imposing no greater burdens on some and not to others.

Although it may be true that the Legislature should enjoy great latitude in enacting state laws, nevertheless, the lawmakers should not be permitted to have absolutely free rein in passing legislation which plainly disregards the mandate of the constitution, and which discriminates against and oppresses a large segment of the citizenry in favor of another. It defies logic to apportion state aid to the City of Glen Cove at a rate of six (6) times that which is apportioned to the Village of Lynbrook, even though both municipalities have substantially the same population. Such a palpable inequality between the bur-

den imposed upon the residents of Lynbrook and the benefit received by them is so flagrant as to be confiscatory.

The distinction between "cities," both large and small, and "villages" in Section 54 bears no reasonable relation to the object sought after and accordingly, should be invalidated.

Baxtrom v. Harold, 383 U. S. 107 (1966). In this situation, there is no reasonable basis for such classification when such distinction violates equal protection of law and denies due process. *Bolling v. Sharpe,* 347 U. S. 497, 74 S. Ct. 693, 98 L. Ed. 884 (1954); *Washington v. U. S.,* 401 F. 2d 915 (1960); *People v. Joy,* 271 N. Y. S. 2d 15 (1966); *Flemming v. Nestor,* 363 U. S. 603 (1960).

In view of all of the foregoing, it appears abundantly clear that there is presented here a substantial federal question which should be resolved by this August court. It is a very simple matter to write off the claims of village residents and characterize them as being *de minimis,* but the fact of the matter is that there are nearly one million residents of this state who reside in incorporated villages, and they pay into the state treasury many millions of dollars each year in the form of income taxes. To argue that they should have no say in how their money is spent is to assert that they are second-class citizens. It is all very well to say that we should not expect mathematical precision in the manner in which state aid is distributed, but nevertheless, when the residents of one community (village) are called upon to subsidize the residents of another community (city), then there exists an injustice which cries out for remedial action; and if that remedial action cannot be obtained from the Legislature, then resort must be had to the courts.

Conclusion.

For the reasons hereinabove set forth, a writ of certiorari should issue to review the judgment and opinion of the Court of Appeals for the Second Circuit.

Dated, March 13, 1974.

Respectfully submitted,

JAY F. KORTH,
Attorney for Petitioners.

Amended Complaint.

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF NEW YORK.

FRANCIS X. BECKER, individually and on behalf of all other taxpayers of the Village of Lynbrook similarly situated, and on behalf of all other taxpayers residing in the incorporated villages of the State of New York similarly situated; and FRANCIS X. BECKER, Mayor of the Incorporated Village of Lynbrook, New York; WILLIAM E. BUZZEO, KURT ARNDT, WILLIAM J. O'BRIEN and LAWRENCE B. FLORIO, individually and as Trustees of the Incorporated Village of Lynbrook, and the INCORPORATED VILLAGE OF LYNBROOK, NEW YORK,

Plaintiffs,

against

ARTHUR LEVITT, as Comptroller of the State of New York, and NORMAN F. GALLMAN, as Commissioner of Taxation & Finance of the State of New York,

Defendants.

Civil Action File No. 72C 330.

I. STATEMENT AS TO JURISDICTION.

1. This is a civil action brought by the plaintiffs, on their own behalf and on behalf of all others similarly situated, for a temporary and permanent injunction against the allocation and use of the funds of the State of New York pursuant to the provisions of Article 4-A, Section 54 of the State Finance Law, wherein and whereby nine (9%) per cent of income tax collections is to be

divided unequally among cities, counties, towns and villages and wherein and whereby an additional nine (9%) per cent of state funds is to be paid to cities in the state and not to the counties, towns and villages, and to declare such allocation and use violative of Article IV, Sec. 2 of the Constitution of the United States and the Fourteenth Amendment.

2. Jurisdiction is conferred upon this Court pursuant to Title 28, United States Code, Sections 1331, 1343(3), 2201 and 2202.

3. The amount in controversy in this suit, exclusive of interest and costs, is in excess of ten thousand ($10,000.00) dollars, as more fully appears hereinafter.

4. The plaintiff, Village of Lynbrook, is a municipal corporation organized and existing under and by virtue of the constitution and laws of the State of New York. It is in Nassau County, which is in the Eastern District of New York.

5. The plaintiff, Francis X. Becker, is the duly elected Mayor of the Village of Lynbrook and the plaintiffs, William E. Buzzeo, Kurt Arndt, William J. O'Brien and Lawrence B. Florio are duly elected Trustees of said Village.

6. Each of the individual plaintiffs is a citizen of the United States. Each resides in the State of New York and in the Eastern District of New York. Each of them pays income and various other taxes in and to the State of New York and each of them pays real property taxes to the Village of Lynbrook, the Town of Hempstead and the County of Nassau, New York.

7. The defendant, Arthur Levitt, is the Comptroller of the State of New York and is sued herein in that capacity and the defendant, Norman F. Gallman, is the

Commissioner of Taxation & Finance of the State of New York and is sued herein in that capacity.

II. FACTUAL ALLEGATIONS.

8. On April 22, 1970, Governor Nelson A. Rockefeller signed into law Chapter 142 of the Laws of 1970, effective immediately, entitled "An act to amend the state finance law, in relation to state assistance to local government." (The text of the Act is set forth herein as Appendix A). The act apportions to cities in the state an amount equal to nine (9%) per cent of the total state personal income tax collections during the prior state fiscal year. This is in addition to another nine (9%) per cent apportioned to the cities, counties, towns and villages of this state, under which the cities are paid eight dollars and sixty cents ($8.60) per capita and villages three dollars and sixty cents ($3.60) per capita. Such so-called revenue-sharing payments have been and will be made by Arthur Levitt, as Comptroller of the State of New York, in accordance with Article V, Section 1 of the Constitution of the State of New York and Articles 2 and 4-A of the State Finance Law, and by Norman F. Gallman as Commissioner of Taxation & Finance of said state.

9. The additional city apportionment provided by paragraph 2g. of Sec. 54 of the State Finance Law constitutes an unlawful preference in favor of a "city" resident vis-a-vis a "village" resident, which is exacerbated by the fact that cities share unequally with counties, towns and villages under paragraphs 2a and 2f. The net effect of such preference payments to cities is an unjust and discriminatory deprivation of state assistance to villages and the residents thereof.

10. Article IV, Sec. 2 of the Constitution of the United States, made applicable to the States by the Fourteenth

Amendment, provides that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." The Fourteenth Amendment provides, *inter alia,* that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

III. CAUSES OF ACTION.

11. The preferential payments made by the defendants to the cities of this state and not to the villages constitute a denial of ". . . the equal protection of the laws." to residents of the villages, inasmuch as there is no rational basis for differentiating between the two; accordingly, Chapter 142 of the Laws of 1970 is demonstrably arbitrary legislation and contravenes both the letter and spirt of the U. S. Constitution and therefore, should be declared invalid and unconstitutional.

12. The singling out of "cities" for such preferential state aid is clearly a blatant exaltation of form over substance, considering the fact that thirty-two (32) cities in this state are smaller than the plaintiff, Village of Lynbrook, according to the 1970 census (See Appendix B). In other words, the Village of Lynbrook has a greater population than over half of the "cities" of this state and yet receives only one ($1.00) dollar in state aid for every six ($6.00) dollars received by a city of comparable size, as illustrated by the following:

Name of Municipality	Population		*State Aid
City of Long Beach	33,127		$ 377,434.00
			705,602.00
		Total	$1,083,036.00
City of Glen Cove	25,770		$ 279,404.00
			548,899.00
		Total	$ 828,303.00
Village of Lynbrook	23,776		$ 120,882.00

13. Upon information and belief, in the fiscal year ending March 31, 1972, the City of Sherrill with a population of 2,986 received total state aid in the sum of $97,987.00, while the Village of Lynbrook with seven (7) times its population received only $120,882.00 in state aid.

14. The Village of Lynbrook furnishes municipal services to its residents substantially equal to that which is furnished by most of the cities in this State, and in some instances furnishes greater services to its residents, both quantitatively and qualitatively. For instance, whereas the Village of Lynbrook maintains a public library for its residents, on information and belief, neither the city of Port Jervis nor the city of Peekskill has a municipal public library.

15. To demonstrate the absolute unfairness, inequality and injustice of the operation of Chapter 142 of the Laws of 1970, the following enumeration and comparison of municipal services is hereby set forth:

(*See Appendix C).

Village of Lynbrook (pop. 23,776)	City of Sherrill (pop. 2,986)
	Number of employees	Number of employees
Police Dept.	49	4
Fire Dept. (volunteer)	220	30
*Dept. of Public Works	46	10
Building Dept.	7	1
Village (City) Clerk's staff	8	3
Public Library	8	3
Village (City) Court	6	2
Recreation Dept.	3	—

16. In addition to the foregoing municipal departments, the plaintiff Village of Lynbrook has a Village Board comprised of the Mayor and four Trustees (who are the individual plaintiffs herein), an Assessor, Planning Board, Village Counsel, Board of Architectural Review, Board of Zoning Appeals, Multiple Dwelling Inspectors, Fire Inspectors, Health Inspector, Library Board of Trustees and Police Surgeon, all of which are provided for in an annual budget of $2,600,000.00.

17. Had the State of New York employed a fair and equitable formula based upon population as did the Federal Government in its revenue-sharing program (Appendix D), the Village of Lynbrook would have received four hundred forty thousand ($440,000.00) dollars, or three hundred twenty thousand ($320,000.00) Dollars more than it actually did receive in state assistance.

18. The net effect of the loss of such revenue by the Village of Lynbrook is that the plaintiff, Francis X. Becker, and all other taxpayers similarly situated are obliged to pay increased real property taxes to the Village of Lynbrook.

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*(including Streets and Highways, Sanitation and Parks).

19. Inasmuch as the said Francis X. Becker and other taxpayers similarly situated are thus required to pay substantially higher real property taxes as a result of the enactment of Chapter 142 of the Laws of New York of 1970, he is personally aggrieved thereby, as are all other taxpayers similarly situated.

20. Not only are these taxpayers required to pay substantially higher real property taxes to the villages in which they reside, but they are also required to pay higher real property taxes to the towns and counties, since towns and counties likewise are affected adversely by the unequal and disproportionate formulae contained in Section 54 of the State Finance Law.

21. In sum, the payment of six ($6.00) dollars in state aid to the residents of cities as against the payment of one ($1.00) dollar to the residents of villages results in such a flagrant and palpable inequality between the burden imposed and the benefit received as to be confiscatory.

22. The net effect of the state aid to cities by the use of monies received in the form of income taxes paid by the plaintiffs and other residents of the Village of Lynbrook, as well as the residents of other villages, constitutes subsidization of the residents of the cities by said taxpayers.

23. The statute in question, Chapter 142 of the Laws of 1970, on its face and as construed by the defendants violates the Constitution of the United States and the Fourteenth Amendment in that it abridges the privileges and immunities of the plaintiffs, deprives them of property without due process of law and denies them the equal protection of the laws in the manner alleged hereinabove.

24. This action involves or is concerned with a genuine case or controversy between the plaintiffs and the defendants.

25. The plaintiffs have no plain, speedy or adequate remedy at law, and will suffer irreparable injury unless a preliminary and permanent injunction is granted.

IV. PRAYERS FOR RELIEF.

26. The plaintiffs pray that the following relief be granted:

(1) That a three-judge court be convened as provided in Title 28, Sections 2281 and 2284 of the United States Code to declare unconstitutional and to enjoin the enforcement of Chapter 142 of the Laws of New York of 1970, as set forth hereinabove.

(2) That the defendants and each of them be enjoined from approving or paying any funds of the State of New York to the cities in the State of New York pursuant to the formulae provided in paragraphs 2a, 2f and 2g of Section 54 of the State Finance Law, whether such approval or payment is purported to be made pursuant to the aforesaid statute or otherwise.

(3) That a preliminary injunction pending the trial of the issues be granted to the plaintiffs against the defendants for the relief sought herein.

(4) That the plaintiffs be granted such other, further and different relief as to the Court may seem just and proper.

Dated: Lynbrook, N. Y.
October 4, 1972.

JAY F. KORTH
Attorney for the Plaintiffs

Exhibit A, Annexed to Amended Complaint.

(See opposite page.) ☞

(c) any public corporation or institution the governing board of which consists of a majority of state officials serving ex-officio or has one or more members appointed by the governor; and

(d) certain membership corporations closely affiliated with specific state agencies and whose purposes are essentially to support, supplement or extend the functions and programs of such state agencies, specifically: Youth Research Inc., The Research Foundation for Mental Hygiene, Inc., Health Research Inc., The Research Foundation of the State University of New York, and Welfare Research Inc.

6. "Application" as used in this section means an application to any federal agency for federal funds or for participation in any federally-assisted program or any instrument as defined by the director of the budget which initiates action with any federal agency for such purpose, including but not limited to a contract, agreement, loan, letter of understanding, state plan, or annual budget submission to such agency.

HISTORY: Add, L 1966, ch 578, amd, L 1967, ch 376, L 1971, ch 844, eff Sept 1, 1971, applicable to applications made or approved on or after that date

The 1971 act deleted at fig 1 "Whenever a", at fig 2 "makes", at fig 3 "whenever a", at fig 4 "must", at fig 5 "the", at fig 6 "making or approving such application" and at fig 7 "notify"

Subs 2 and 3, add, L 1971, ch 844, eff Sept 1, 1971

Subs 4–6, formerly subs 2–4, renumbered, L 1971, ch 844, eff Sept 1, 1971.

Former subs 2–4, renumbered subs 4–6, L 1971, ch 844, eff Sept 1, 1971.

Section heading, amd, L 1967, ch 376, eff July 1, 1967

Sub 1, amd, L 1970, ch 589, eff May 8, 1970.

Sub 2, formerly sub 3, so numbered and amd, L 1967, ch 376, eff July 1, 1967.

Former sub 2, deleted, L 1967, ch 376, eff July 1, 1967.

Sub 3, add, L 1967, ch 376, amd, L 1969, ch 100, eff March 25, 1969

Former sub 3, renumbered sub 2, L 1967, ch 376, eff July 1, 1967.

REFERENCES: This section referred to in Retire & S S Law § 31.

ARTICLE 4-A

State Assistance to Local Government

[New sections added in this supplement]

§ 54. Per capita state aid for the support of local government.

§ 54. Per capita state aid for the support of local government.—1. Definitions. When used in this section, unless otherwise expressly stated:

a. (1) "Population" of a county, city, town or village means the population as shown by the latest preceding decennial federal census completed and [1]*published* as a final population court by the United States bureau of the census[2] preceding the commencement of the state fiscal year in which the apportionment and payment are made, or a special population census certified to the state comptroller pursuant to this section, whichever is later. The population of a town shall include the population of any village or villages or parts thereof within such town but shall exclude the population of any city or part thereof within such town.

(2) The population of a town outside village area shall be the population of the town minus the population of the area of the town located in any village or villages for the same year and shall exclude persons residing within the boundaries of a military post or reservation under the jurisdiction of the United States [1]*to the extent that they exceed twenty-five percent of the population of a town outside the village area.*

(Added, L 1966)

(3) In calculating payments to be made in state fiscal years prior to the first state fiscal year in which the federal decennial census for nineteen hundred seventy is used, "population" of a county means the sum of the population of the cities and towns in the county used in the apportionment of per capita aid to such localities in the state fiscal year beginning April first, nineteen hundred sixty-five, except that where a subsequent special census for the county or a city or town therein is filed by the county and becomes effective for use in calculating such payments to the county, population of the county shall reflect such special census.

(4) Where there is an alteration in the boundaries of a county, city, village, town or town outside village or a municipality is created, population shall be determined in accordance with subdivision four of this section.

(5) Population excludes the reservation and school Indian population and inmates of state institutions under the direction, supervision or control of the state department of correction and the state department of mental hygiene and the inmates of state institutions operated and maintained by the state department of social welfare.

(6) Where the director of the United States bureau of the census certifies that the population of a *county*, city, town or village, as shown by such latest preceding decennial or special population *census should be corrected because it,* (a) excludes a specified number of persons who were actually residing in such *county*, city, town or village at the time of such census, or (b) includes a specified number of persons who [1]*were* not actually residing in such *county*, city, town or village at the time of such census, [2]*a copy of such certificate shall be filed by the locality or state agency receiving such certificate with the state comptroller within ten days of receipt. In the case of a gain in population, the specified number shall be added to the population on the basis of which moneys are apportioned and paid in state fiscal years subsequent to the date such certificate is filed with the state comptroller.* In the case of a loss in population, the specified number shall be[3] subtracted from the population of such *county*, city, town or village on the basis of which moneys are[4] apportioned and paid under the provisions of this section *commencing with the first state fiscal year beginning not less than six months after the date such certificate is required to be filed with the state comptroller.*

7. [Repealed]

b. "Special population census" or "special census" means the population of a county, city, town or village certified by the United States bureau of the census as of a date not earlier than March fifteenth and not later than May fifteenth in any year subse-

used in calculating per capita aid payments to the county in state fiscal year beginning April first, nineteen hundred sixty-five continues to be used in calculating per capita aid payments to the county under this section, full value in such ratio shall be the sum of the full values of the cities and towns in the state used in the apportionment of per capita aid to such localities in the state fiscal year beginning April first, nineteen hundred sixty-five, and personal income in such ratio shall be personal income for the taxable year nineteen hundred sixty-three.

h. "County", for the purposes of computation and payment of per capita aid to counties under this section, means each county located outside the city of New York and the city of New York.

i. "Town outside village" or "town outside village area" means the area of any town which is not included within the boundaries of a village.

(Added, L 1970)

j. "Total state personal income tax collections," for the purposes of computation and payment of aid under this section, means collections, as certified by the state tax commission pursuant to subdivision five-e of section fifty-four of the state finance law, from taxes imposed pursuant to section six hundred one of article twenty-two of the tax law, excluding amounts refunded to taxpayers and amounts set aside as reserves for payment of such refunds pursuant to sections six hundred fifty-one and six hundred ninety-eight of article twenty-two of the tax law.

2. Annual apportionment. During each fiscal year of the state, there shall be apportioned and paid to the several counties, cities, towns and villages, from moneys appropriated by the state, for the support of local government, the following amounts:

a. *City, village and town outside village.* To each city and village and to each town for the town outside village area, an amount equal to the population of such city, village or town outside village multiplied by the following rates: cities, eight dollars and sixty cents; villages, three dollars and sixty cents; and town outside village areas, two dollars and five cents, plus an increase in such rate of five cents for each one hundred dollars, or part thereof, by which the full value per capita of the city, village or town outside village is less than eight thousand dollars; and

b. *Town-wide.* To each town for the entire town area, an amount equal to the population of the town multiplied by three dollars and fifty-five cents; and

c. *County.* To each county, an amount equal to the population of such county multiplied by sixty-five cents plus an increase in such rate of five cents for each one hundred dollars, or part thereof, by which the county average of full value and personal income per capita is less than eight thousand dollars.

d. *Villages and towns in county of Nassau.* The total of the amounts apportioned, as provided in paragraphs a and b above, to the several towns and villages within the county of Nassau, excluding the amounts for towns outside villages, shall be reapportioned to the towns and villages in the county as follows:

(1) To each village, the amount as determined under paragraph a of this subdivision, except that the amount paid to a village in the state fiscal year commencing April first, nineteen hundred sixty-five shall be not less than the amount of per capita state aid paid to such village in the state fiscal year commencing April first, nineteen hundred sixty-four, and except that the amount paid to a village in the state fiscal year commencing April first, nineteen hundred sixty-six and each of the three succeeding state fiscal years shall be not less than the amount paid to such village in per capita state aid in the state fiscal year commencing April first, nineteen hundred sixty-four minus twenty per centum, forty per centum, sixty per centum and eighty per centum, respectively in such years, of the difference between the amount paid to the village in state fiscal year commencing April first, nineteen hundred sixty-four and the amount that the village would be entitled to receive in the state fiscal year commencing April first, nineteen hundred sixty-five under paragraph a of this subdivision if such paragraph were applicable to the four quarterly payments to such village during such year; and

(2) To the towns, for town-wide purposes, the balance of the total amount to be reapportioned under this paragraph d, with the shares of the several towns determined in proportion to their respective populations.

(Added, L 1968)

e. Additional apportionment. During the fiscal years of the state commencing April first, nineteen hundred sixty-eight, April first, nineteen hundred sixty-nine and April first, nineteen hundred seventy there shall be paid to each city of the state in existence on April one, nineteen hundred sixty-eight an additional amount equal to the population of such city multiplied by the rate of three dollars and seventy cents, nine dollars and twenty-six cents and thirteen dollars and eighty-nine cents respectively.

(Added, L 1970)

f. Additional apportionment. During the fiscal year of the state beginning April first, nineteen hundred seventy-one and in each such year thereafter, there shall be paid to the cities, counties, towns and villages of the state, in addition to the amounts provided by paragraphs a, b, c and d of this subdivision, an additional apportionment calculated by determining the amount of *nine* per cent of the total state personal income tax collections during the prior state fiscal year, subtracting the total amount required under paragraphs a, b, c and d above, determining the percentage which the remainder is of the total payments under paragraphs a, b, c and d, and then increasing the amount payable to each county, town, village and city under paragraphs a, b, c and d by such percentage.

(Added, L 1970)

g. Additional city apportionment. On June twenty-fifth, nineteen hundred seventy-one and in each year thereafter, there shall be paid to the cities in the state in existence on April one, nineteen hundred sixty-eight an amount equal to *nine per cent of the total state personal income tax collections during the prior state fiscal year. Such amount shall be apportioned to such cities on the basis of the percentage that the total population of each city bears to the total population of all cities in the state.*

(Added, L 1971)

h. Notwithstanding any provision of law to the contrary, the amounts apportioned to the cities of the state pursuant to paragraph a of subdivision two of this section shall be paid on or before June twenty-fifth in the state fiscal year commencing April first,

Exhibit B, Annexed to Amended Complaint.

(See opposite page.) ☞

Table 3. Population of Places: 1970 and 1960

[For information on boundary changes and meaning of symbols see text]

All incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
ADAMS VILLAGE	JEFFERSON	1 951	1 914	1.9
ADDISON VILLAGE	STEUBEN	2 104	2 185	-3.7
AFTON VILLAGE	CHENANGO	1 064	956	11.3
AKRON VILLAGE	ERIE	2 863	2 841	0.8
ALBANY CITY	ALBANY	114 873	129 726	-11.4
ALBERTSON (U)	NASSAU	6 792	...	...
ALBION VILLAGE	ORLEANS	5 122	5 182	-1.2
ALDEN VILLAGE	ERIE	2 651	2 042	29.8
ALEXANDER VILLAGE	GENESEE	474	335	41.5
ALEXANDRIA BAY VILLAGE	JEFFERSON	1 440	1 583	-9.0
ALFRED VILLAGE	ALLEGANY	3 804	2 807	35.5
ALLEGANY VILLAGE	CATTARAUGUS	2 050	2 066	-0.7
ALMOND VILLAGE	ALLEGANY STEUBEN	658	696	-5.5
ALTAMONT VILLAGE	ALBANY	1 561	1 365	14.4
ALTMAR VILLAGE	OSWEGO	448	277	61.7
AMENIA (U)	DUTCHESS	1 157	...	...
AMES VILLAGE	MONTGOMERY	198	182	8.8
AMITYVILLE VILLAGE	SUFFOLK	9 474	9 319	1.7
AMSTERDAM CITY	MONTGOMERY	25 524	28 259	-9.7
ANDES VILLAGE	DELAWARE	353	399	-11.5
ANDOVER VILLAGE	ALLEGANY	1 214	1 247	-2.6
ANGELICA VILLAGE	ALLEGANY	948	898	5.6
ANGOLA VILLAGE	ERIE	2 676	2 499	7.1
ANGOLA ON THE LAKE (U)	ERIE	1 573	...	...
ANTWERP VILLAGE	JEFFERSON	872	881	-1.0
APALACHIN (U)	TIOGA	1 233	...	...
ARCADE VILLAGE	WYOMING	1 972	1 930	2.2
ARDSLEY VILLAGE	WESTCHESTER	4 470	3 991	12.0
ARGYLE VILLAGE	WASHINGTON	398	358	10.4
ARKPORT VILLAGE	STEUBEN	984	837	17.6
ARLINGTON (U)	DUTCHESS	11 203	8 317	34.7
ASHAROKEN VILLAGE	SUFFOLK	580	253	113.4
ATHENS VILLAGE	GREENE	1 718	1 754	-2.1
ATLANTIC BEACH VILLAGE	NASSAU	1 640	...	...
ATTICA VILLAGE	GENESEE WYOMING	2 911	2 758	5.5
AUBURN CITY	CAYUGA	34 599	35 249	-1.8
AURORA VILLAGE	CAYUGA	1 072	834	28.5
AVERILL PARK (U)	RENSSELAER	1 471	...	...
AVOCA VILLAGE	STEUBEN	1 153	1 084	6.2
AVON VILLAGE	LIVINGSTON	3 260	2 772	17.6
BABYLON VILLAGE	SUFFOLK	12 588	11 062	13.8
BAINBRIDGE VILLAGE	CHENANGO	1 674	1 712	-2.2
BALDWIN (U)	NASSAU	34 525	30 204	14.3
BALDWINSVILLE VILLAGE	ONONDAGA	6 298	5 985	5.2
BALLSTON SPA VILLAGE	SARATOGA	4 968	4 991	-0.5
BALMVILLE (U)	ORANGE	3 214	1 538	109.0
BARKER VILLAGE	NIAGARA	987	928	7.4
BATAVIA CITY	GENESEE	17 338	18 210	-4.8
BATH VILLAGE	STEUBEN	6 053	6 144	-1.8
BAXTER ESTATES VILLAGE	NASSAU	1 109	932	19.0
BAYPORT (U)	SUFFOLK	7 995	...	...
BAY SHORE (U)	SUFFOLK	11 119	...	...
BAYVILLE VILLAGE	NASSAU	6 147	3 962	55.1
BEACON CITY	DUTCHESS	13 255	13 922	-4.8
BELLEROSE VILLAGE	NASSAU	1 654	1 083	52.7
BELLE TERRE VILLAGE	SUFFOLK	678	295	129.8
BELLMORE (U)	NASSAU	18 431	12 784	44.2
BELLPORT VILLAGE	SUFFOLK	3 046	2 461	23.8
BELMONT VILLAGE	ALLEGANY	1 102	1 144	-3.8
BEMUS POINT VILLAGE	CHAUTAUQUA	487	443	9.9
BERGEN VILLAGE	GENESEE	1 018	944	7.8
BETHPAGE (U)	NASSAU	18 555	20 515	-9.6
BIG FLATS (U)	CHEMUNG	2 509	...	...
BILLINGTON HEIGHTS (U)	ERIE	1 278	...	...
BINGHAMTON CITY	BROOME	64 123	75 941	-15.6
BLACK RIVER VILLAGE	JEFFERSON	1 307	1 237	5.7
BLASDELL VILLAGE	ERIE	3 910	3 909	-
BLAUVELT (U)	ROCKLAND	8 426	...	...
BLOOMINGBURG VILLAGE	SULLIVAN	323	303	6.6
BLOOMINGDALE VILLAGE	ESSEX	536	490	9.4
BOHEMIA (U)	SUFFOLK	8 718	...	...
BOLIVAR VILLAGE	ALLEGANY	1 379	1 408	-1.9
BOONVILLE VILLAGE	ONEIDA	2 488	2 403	3.5
BOYSEN BAY (U)	ONONDAGA	1 191	...	...
BRENTWOOD (U)	SUFFOLK	37 868	19 387	81.1
BREWERTON (U)	ONONDAGA OSWEGO	1 989	...	...
BREWSTER HEIGHTS (U)	PUTNAM	1 269	...	...
BREWSTER HILLS (U)	PUTNAM	1 745	...	...
BREWSTER VILLAGE	PUTNAM	1 630	1 714	-4.8
BRIARCLIFF MANOR VILLAGE	WESTCHESTER	6 521	5 105	27.7
BRIDGEWATER VILLAGE	ONEIDA	601	373	61.1
BRIGHTWATERS VILLAGE	SUFFOLK	3 808	3 193	19.3
BRINCKERHOFF (U)	DUTCHESS	2 094	...	...
BROADALBIN VILLAGE	FULTON	1 492	1 438	1.0
BROCKPORT VILLAGE	MONROE	7 878	5 286	49.9
BROCTON VILLAGE	CHAUTAUQUA	1 370	1 416	-3.2
BRONXVILLE VILLAGE	WESTCHESTER	6 674	6 788	-1.0
BROOKVILLE VILLAGE	NASSAU	3 818	1 668	118.8

Table 3. Population of Places: 1970 and 1960—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
BROWNVILLE VILLAGE	JEFFERSON	1 187	1 082	9.7
BRUSHTON VILLAGE	FRANKLIN	547	553	-1.1
BUCHANAN VILLAGE	WESTCHESTER	2 110	2 019	4.5
BUFFALO CITY	ERIE	462 768	532 759	-13.1
BURDETT VILLAGE	SCHUYLER	454	420	8.1
BURKE VILLAGE	FRANKLIN	237	273	-13.2
CALEDONIA VILLAGE	LIVINGSTON	2 327	1 917	21.4
CAMBRIDGE VILLAGE	WASHINGTON	1 769	1 748	1.2
CAMDEN VILLAGE	ONEIDA	2 936	2 694	9.0
CAMILLUS VILLAGE	ONONDAGA	1 534	1 416	8.3
CANAJOHARIE VILLAGE	MONTGOMERY	2 686	2 681	0.2
CANANDAIGUA CITY	ONTARIO	10 488	9 370	11.9
CANASERAGA VILLAGE	ALLEGANY	750	730	2.7
CANASTOTA VILLAGE	MADISON	5 033	4 898	2.8
CANDOR VILLAGE	TIOGA	939	956	-1.8
CANISTEO VILLAGE	STEUBEN	2 772	2 731	1.5
CANTON VILLAGE	ST. LAWRENCE	6 398	5 046	26.8
CAPE VINCENT VILLAGE	JEFFERSON	820	770	6.5
CARLE PLACE (U)	NASSAU	6 326	...	...
CARMEL (U)	PUTNAM	5 395	...	...
CARTHAGE VILLAGE	JEFFERSON	3 889	4 216	-7.8
CASSADAGA VILLAGE	CHAUTAUQUA	905	820	10.4
CASTILE VILLAGE	WYOMING	1 330	1 146	16.1
CASTLETON-ON-HUDSON VILLAGE	RENSSELAER	1 730	1 752	-1.3
CASTORLAND VILLAGE	LEWIS	327	321	1.9
CATO VILLAGE	CAYUGA	601	476	26.3
CATSKILL VILLAGE	GREENE	5 317	5 825	-8.7
CATTARAUGUS VILLAGE	CATTARAUGUS	1 200	1 258	-4.6
CAYUGA HEIGHTS VILLAGE	TOMPKINS	3 130	2 788	12.3
CAYUGA VILLAGE	CAYUGA	693	621	11.6
CAZENOVIA VILLAGE	MADISON	3 031	2 584	17.3
CEDARHURST VILLAGE	NASSAU	6 941	6 954	-0.2
CELORON VILLAGE	CHAUTAUQUA	1 456	1 507	-3.4
CENTEREACH (U)	SUFFOLK	9 427	8 524	10.6
CENTER MORICHES (U)	SUFFOLK	5 802	3 521	90.8
CENTRAL ISLIP (U)	SUFFOLK	36 369	...	...
CENTRAL SQUARE VILLAGE	OSWEGO	1 298	939	38.8
CENTRE ISLAND VILLAGE	NASSAU	374	270	38.5
CHAMPLAIN PARK (U)	CLINTON	1 207	...	...
CHAMPLAIN VILLAGE	CLINTON	1 426	1 549	-7.9
CHATEAUGAY VILLAGE	FRANKLIN	976	1 097	-11.0
CHATHAM VILLAGE	COLUMBIA	2 239	2 426	-7.7
CHAUMONT VILLAGE	JEFFERSON	567	523	8.4
CHERRY CREEK VILLAGE	CHAUTAUQUA	658	649	1.4
CHERRY VALLEY VILLAGE	OTSEGO	661	668	-1.0
CHESTER VILLAGE	ORANGE	1 627	1 492	9.0
CHITTENANGO VILLAGE	MADISON	3 605	3 180	13.4
CHURCHVILLE VILLAGE	MONROE	1 065	1 003	6.2
CLARENCE CENTER (U)	ERIE	1 332	...	...
CLARENCE COMPACT (U)	ERIE	2 014	1 456	38.3
CLARK MILLS (U)	ONEIDA	1 206	1 148	5.1
CLAYTON VILLAGE	JEFFERSON	1 970	1 996	-1.3
CLAYVILLE VILLAGE	ONEIDA	535	686	-22.0
CLEVELAND VILLAGE	OSWEGO	821	732	12.2
CLIFTON KNOLLS (U)	SARATOGA	9 771	...	...
CLIFTON SPRINGS VILLAGE	ONTARIO	2 058	1 953	5.4
CLINTON VILLAGE	ONEIDA	2 271	1 855	22.4
CLYDE VILLAGE	WAYNE	2 828	2 693	5.0
COBLESKILL VILLAGE	SCHOHARIE	4 368	3 471	25.8
COHOCTON VILLAGE	STEUBEN	897	929	-3.4
COHOES CITY	ALBANY	18 613	20 129	-7.5
COLD BROOK VILLAGE	HERKIMER	413	372	11.0
COLDEN HILL (U)	ORANGE	1 688	...	...
COLD SPAING HARBOR (U)	SUFFOLK	5 498	1 709	222.5
COLD SPRING VILLAGE	PUTNAM	2 083	2 083	-
COLONIE VILLAGE	ALBANY	8 701	6 992	24.4
COMMACK (U)	SUFFOLK	22 507	9 613	134.1
CONGERS (U)	ROCKLAND	5 928	...	...
CONSTABLEVILLE VILLAGE	LEWIS	347	439	-21.0
COOPERSTOWN VILLAGE	OTSEGO	2 403	2 553	-5.9
COPENHAGEN VILLAGE	LEWIS	734	673	9.1
COPIAGUE (U)	SUFFOLK	19 578	14 081	39.0
CORFU VILLAGE	GENESEE	722	616	17.2
CORINTH VILLAGE	SARATOGA	3 267	3 193	2.3
CORNING CITY	STEUBEN	15 792	17 085	-7.6
CORNWALL VILLAGE	ORANGE	2 032	2 785	-27.0
CORTLAND CITY	CORTLAND	18 421	18 181	2.3
COUNTRY KNOLLS (U)	SARATOGA	2 082	...	...
COVE NECK VILLAGE	NASSAU	344	299	15.1
CORSACKIE VILLAGE	GREENE	2 399	2 849	-15.8
CROGHAN VILLAGE	LEWIS	765	821	-6.8
CROTON-ON-HUDSON VILLAGE	WESTCHESTER	7 523	6 812	10.4
CUBA VILLAGE	ALLEGANY	1 735	1 949	-11.0
DANNEMORA VILLAGE	CLINTON	3 735	4 839	-22.8
DANSVILLE VILLAGE	LIVINGSTON	8 436	5 460	-0.4
DEER PARK (U)	SUFFOLK	31 120	16 726	86.1
DEFERIET VILLAGE	JEFFERSON	347	470	-26.2
DELANSON VILLAGE	SCHENECTADY	508	398	27.6
DELEVAN VILLAGE	CATTARAUGUS	994	777	27.9
DELHI VILLAGE	DELAWARE	3 017	2 307	30.8

Table 3. Population of Places: 1970 and 1960—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
DEPEW VILLAGE	ERIE	22 158	13 980	63.2
DEPOSIT VILLAGE	BROOME	2 061	2 025	1.8
	DELAWARE	24	19	26.3
DERING HARBOR VILLAGE	SUFFOLK	643	627	2.6
DE RUYTER VILLAGE	MADISON	10 032	...	...
DE WITT (U)	ONONDAGA	1 061	1 009	5.2
DEXTER VILLAGE	JEFFERSON	9 840	...	...
DIX HILLS (U)	SUFFOLK	10 353	9 260	11.8
DOBBS FERRY VILLAGE	WESTCHESTER	2 872	3 058	-6.1
DOLGEVILLE VILLAGE	FULTON	450	437	3.0
DRESDEN VILLAGE	HERKIMER			
	YATES			
DRYDEN VILLAGE	TOMPKINS	1 490	1 263	18.0
DUNDEE VILLAGE	YATES	1 939	1 668	6.8
DUNKIRK CITY	CHAUTAUQUA	18 855	18 205	-7.6
EARLVILLE VILLAGE	CHENANGO	1 050	1 004	4.6
	MADISON	7 033	6 791	3.6
EAST AURORA VILLAGE	ERIE	643	488	31.8
EAST BLOOMFIELD VILLAGE	ONTARIO	2 611	...	...
EAST CAYUGA HEIGHTS (U)	TOMPKINS	21 330	...	...
EASTCHESTER (U)	WESTCHESTER	5 898	...	...
EAST GLENVILLE (U)	SCHENECTADY	9 691	...	...
EAST HALF HOLLOW HILLS (U)	SUFFOLK			
EAST HAMPTON VILLAGE	SUFFOLK	1 753	1 772	-1.1
EAST HERKIMER (U)	HERKIMER	1 135	1 068	6.3
EAST HILLS VILLAGE	NASSAU	8 675	7 184	20.8
EAST ISLIP (U)	SUFFOLK	6 819	...	...
EAST MASSAPEQUA (U)	NASSAU	15 926	14 779	7.8
EAST MEADOW (U)	NASSAU	46 252	46 036	0.5
EAST MIDDLETOWN (U)	ORANGE	2 690	1 752	50.7
EAST MORICHES (U)	SUFFOLK	1 702	1 210	40.7
EAST NECK (U)	SUFFOLK	5 144	3 789	35.8
EAST NORTHPORT (U)	SUFFOLK	12 392	8 381	47.9
EAST PATCHOGUE (U)	SUFFOLK	8 092	...	...
EASTPORT (U)	SUFFOLK	1 308	...	...
EAST QUOGUE (U)	SUFFOLK	1 143	...	...
EAST RANDOLPH VILLAGE	CATTARAUGUS	636	594	7.1
EAST ROCHESTER VILLAGE	MONROE	8 347	8 152	2.4
EAST ROCKAWAY VILLAGE	NASSAU	10 323	10 721	-3.7
EAST SYRACUSE VILLAGE	ONONDAGA	4 333	4 708	-8.0
EAST VESTAL (U)	BROOME	10 472	...	...
EAST WILLISTON VILLAGE	NASSAU	2 808	2 940	-4.5
EDEN (U)	ERIE	2 962	2 364	25.2
EDWARDS VILLAGE	ST. LAWRENCE	576	658	-12.5
ELBA VILLAGE	GENESEE	752	739	1.8
ELBRIDGE VILLAGE	ONONDAGA	1 040	828	25.6
ELIZABETHTOWN VILLAGE	ESSEX	607	779	-22.1
ELLENVILLE VILLAGE	ULSTER	4 482	5 003	-10.4
ELLICOTTVILLE VILLAGE	CATTARAUGUS	955	1 150	-17.0
ELLISBURG VILLAGE	JEFFERSON	337	328	2.7
ELMA CENTER (U)	ERIE	2 784	...	...
ELMIRA CITY	CHEMUNG	39 945	46 517	-14.1
ELMIRA HEIGHTS NORTH (U)	CHEMUNG	2 906	...	...
ELMIRA HEIGHTS VILLAGE	CHEMUNG	4 906	5 197	-5.9
ELMONT (U)	NASSAU	29 363	30 138	-2.6
ELMSFORD VILLAGE	WESTCHESTER	3 911	3 795	3.1
ELWOOD (U)	SUFFOLK	15 031	...	...
ENDICOTT VILLAGE	BROOME	16 556	18 779	-11.8
ENDWELL (U)	BROOME	13 999	...	...
ESPERANCE VILLAGE	SCHOHARIE	408	316	29.0
EVANS MILLS VILLAGE	JEFFERSON	714	618	15.5
FABIUS VILLAGE	ONONDAGA	374	378	-1.1
FAIR HAVEN VILLAGE	CAYUGA	859	764	12.4
FAIRMOUNT (U)	ONONDAGA	15 317	...	...
FAIRPORT VILLAGE	MONROE	6 474	5 507	17.6
FAIRVIEW (U)	DUTCHESS	8 517	8 626	-1.3
FALCONER VILLAGE	CHAUTAUQUA	2 983	3 343	-10.8
FARMINGDALE VILLAGE	NASSAU	9 297	6 128	51.7
FARNHAM VILLAGE	ERIE	546	422	29.4
FAYETTEVILLE VILLAGE	ONONDAGA	4 996	4 311	15.9
FERNWOOD (U)	SARATOGA	3 659	2 108	73.6
FILLMORE VILLAGE	ALLEGANY	537	522	2.9
FIRTHCLIFFE (U)	ORANGE	4 025	...	...
FISHKILL VILLAGE	DUTCHESS	913	1 033	-11.6
FLANDERS (U)	SUFFOLK	1 905	1 248	52.6
FLEISCHMANNS VILLAGE	DELAWARE	434	450	-3.6
FLORAL PARK VILLAGE	NASSAU	18 422	17 499	5.3
FLORIDA VILLAGE	ORANGE	1 674	1 550	8.0
FLOWER HILL VILLAGE	NASSAU	4 236	4 594	-7.8
FONDA VILLAGE	MONTGOMERY	1 120	1 004	11.6
FORESTVILLE VILLAGE	CHAUTAUQUA	908	905	0.3
FORT ANN VILLAGE	WASHINGTON	562	453	24.1
FORT COVINGTON VILLAGE	FRANKLIN	983	976	0.7
FORT EDWARD VILLAGE	WASHINGTON	3 733	3 737	-0.1
FORT JOHNSON VILLAGE	MONTGOMERY	711	876	-18.8
FORT PLAIN VILLAGE	MONTGOMERY	2 809	2 809	-
FORT SALONGA (U)	SUFFOLK	1 604	...	...
FRANKFORT VILLAGE	HERKIMER	3 305	3 872	-14.6
FRANKLIN SQUARE (U)	NASSAU	32 196	32 483	-1.0
FRANKLIN VILLAGE	DELAWARE	592	538	9.1
FRANKLINVILLE VILLAGE	CATTARAUGUS	1 948	2 126	-8.3

Table 3. Population of Places: 1970 and 1960—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
FREDONIA VILLAGE	CHAUTAUQUA	10 326	8 477	21.8
FREEPORT VILLAGE	NASSAU	40 374	34 419	17.3
FREETOWN (U)	SUFFOLK	1 543	1 369	13.0
FREEVILLE VILLAGE	TOMPKINS	664	471	41.0
FRESBURG (U)	CHAUTAUQUA	1 772	1 623	9.2
FRIENDSHIP VILLAGE	ALLEGANY	1 285	1 231	4.4
FULTON CITY	OSWEGO	16 003	16 261	-1.6
FULTONVILLE VILLAGE	MONTGOMERY	812	815	-0.4
GAINESVILLE VILLAGE	WYOMING	385	369	4.3
GALWAY VILLAGE	SARATOGA	270	309	-12.6
GANG MILLS (U)	STEUBEN	1 258	...	...
GARDEN CITY VILLAGE	NASSAU	25 373	23 948	6.0
GARDEN CITY PARK (U)	NASSAU	7 488	...	...
GARDNERTOWN (U)	ORANGE	4 614	...	...
GENESEO VILLAGE	LIVINGSTON	5 714	3 284	74.0
GENEVA CITY	ONTARIO	16 793	17 286	-2.9
GILBERTSVILLE VILLAGE	OTSEGO	552	522	5.7
GLASCO (U)	ULSTER	1 169	...	...
GLEN COVE CITY	NASSAU	25 770	23 817	8.2
GLENHAM (U)	DUTCHESS	2 720	...	...
GLEN PARK VILLAGE	JEFFERSON	587	561	4.6
GLENS FALLS CITY	WARREN	17 224	18 580	-7.3
GLOVERSVILLE CITY	FULTON	19 677	21 741	-9.5
GOLDEN'S BRIDGE (U)	WESTCHESTER	1 101	...	...
GOSHEN VILLAGE	ORANGE	4 342	3 906	11.2
GOUVERNEUR VILLAGE	ST. LAWRENCE	4 574	4 946	-7.5
GOWANDA VILLAGE	CATTARAUGUS ERIE	3 110	3 352	-7.2
GRAND VIEW-ON-HUDSON VILLAGE	ROCKLAND	325	330	-1.5
GRANVILLE VILLAGE	WASHINGTON	2 784	2 719	2.5
GREAT NECK ESTATES VILLAGE	NASSAU	3 131	3 262	-4.0
GREAT NECK PLAZA VILLAGE	NASSAU	5 921	4 948	19.7
GREAT NECK VILLAGE	NASSAU	10 724	10 171	5.4
GREENE VILLAGE	CHENANGO	1 874	2 051	-8.6
GREEN ISLAND VILLAGE	ALBANY	3 297	3 533	-6.7
GREENLAWN (U)	SUFFOLK	8 178	5 422	50.8
GREENPORT VILLAGE	SUFFOLK	2 481	2 608	-4.9
GREENWICH VILLAGE	WASHINGTON	2 092	2 263	-7.6
GREENWOOD LAKE VILLAGE	ORANGE	2 262	1 236	83.0
GROTON VILLAGE	TOMPKINS	2 112	2 123	-0.5
HAGAMAN VILLAGE	MONTGOMERY	1 410	1 292	9.1
HALF HOLLOW HILLS (U)	SUFFOLK	12 055	...	...
HALFMOON JUNCTION (U)	SARATOGA	1 915	...	...
HAMBURG VILLAGE	ERIE	10 215	9 145	11.7
HAMILTON VILLAGE	MADISON	3 636	3 348	8.6
HAMMONDSPORT VILLAGE	STEUBEN	1 066	1 176	-9.4
HAMMOND VILLAGE	ST. LAWRENCE	273	314	-13.1
HAMPTON BAYS (U)	SUFFOLK	1 862	1 431	30.1
HANCOCK VILLAGE	DELAWARE	1 688	1 830	-7.8
HANNIBAL VILLAGE	OSWEGO	686	611	12.3
HARRIMAN VILLAGE	ORANGE	955	752	27.0
HARRISVILLE VILLAGE	LEWIS	836	842	-0.7
HARTSDALE (U)	WESTCHESTER	12 226	...	...
HASTINGS-ON-HUDSON VILLAGE	WESTCHESTER	9 479	8 979	5.6
HAUPPAUGE (U)	SUFFOLK	13 957	...	...
HAVERSTRAW VILLAGE	ROCKLAND	8 198	5 771	42.1
HAVILAND (U)	DUTCHESS	3 447	...	...
HEAD OF THE HARBOR VILLAGE	SUFFOLK	943	524	80.0
HEMPSTEAD VILLAGE	NASSAU	39 411	34 641	13.8
HERKIMER VILLAGE	HERKIMER	8 960	9 396	-4.6
HERMON VILLAGE	ST. LAWRENCE	521	612	-14.9
HERRICKS (U)	NASSAU	9 112	...	...
HERRINGS VILLAGE	JEFFERSON	137	171	-19.9
HEUVELTON VILLAGE	ST. LAWRENCE	770	810	-4.9
HEWLETT (U)	NASSAU	6 796	...	...
HEWLETT BAY PARK VILLAGE	NASSAU	586	520	12.7
HEWLETT HARBOR VILLAGE	NASSAU	1 545	1 610	-4.0
HEWLETT NECK VILLAGE	NASSAU	529	507	4.3
HICKSVILLE (U)	NASSAU	48 075	50 405	-4.6
HIGHLAND (U)	ULSTER	2 184	2 931	-25.5
HIGHLAND FALLS VILLAGE	ORANGE	4 638	4 469	3.8
HILLBURN VILLAGE	ROCKLAND	1 058	1 114	-5.0
HILLCREST (U)	ROCKLAND	5 357	...	...
HILLS (U)	DUTCHESS	2 750	...	...
HILTON VILLAGE	MONROE	2 440	1 334	82.9
HOBART VILLAGE	DELAWARE	831	585	-9.2
HOLBROOK-HOLTSVILLE (U)	SUFFOLK	12 103	...	...
HOLCOMB VILLAGE	ONTARIO	778	460	69.1
HOLLAND PATENT VILLAGE	ONEIDA	556	538	3.3
HOLLEY VILLAGE	ORLEANS	1 868	1 788	4.5
HOMER VILLAGE	CORTLAND	4 143	3 622	14.4
HONEOYE FALLS VILLAGE	MONROE	2 248	2 163	4.0
HOOSICK FALLS VILLAGE	RENSSELAER	3 897	4 023	-3.1
HOPEWELL JUNCTION (U)	DUTCHESS	2 055	...	...
HORNELL CITY	STEUBEN	13 113	13 907	-12.7
HORSEHEADS VILLAGE	CHEMUNG	7 689	7 207	10.9
HOUGHTON (U)	ALLEGANY	1 620	...	...
HUDSON CITY	COLUMBIA	8 980	11 075	-19.3
HUDSON FALLS VILLAGE	WASHINGTON	7 917	7 752	2.1
HUNTER VILLAGE	GREENE	238	857	-87.9
HUNTINGTON (U)	SUFFOLK	12 130	11 259	7.8

Table 3. Population of Places: 1970 and 1960—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
HUNTINGTON BAY VILLAGE	SUFFOLK	3 258	1 267	157.1
HUNTINGTON STATION (U)	SUFFOLK	28 617	23 438	22.9
HURLEY (U)	ULSTER	4 081	...	...
HYDE PARK (U)	DUTCHESS	2 805	1 979	41.7
ILION VILLAGE	HERKIMER	9 808	10 199	-3.8
INTERLAKEN VILLAGE	SENECA	733	780	-6.0
INWOOD (U)	NASSAU	8 433	10 362	-18.6
IRVINGTON VILLAGE	WESTCHESTER	5 878	5 494	7.0
ISLAND PARK VILLAGE	NASSAU	5 396	3 846	40.3
ISLIP (U)	SUFFOLK	7 692	...	...
ITHACA CITY	TOMPKINS	26 226	28 799	-8.9
JAMESTOWN CITY	CHAUTAUQUA	39 788	41 818	-4.8
JAMESTOWN WEST (U)	CHAUTAUQUA	2 491	...	...
JEFFERSON VALLEY-YORKTOWN (U)	WESTCHESTER	9 008	...	...
JEFFERSONVILLE VILLAGE	SULLIVAN	421	434	-3.0
JERICHO (U)	NASSAU	14 010	10 795	29.8
JOHNSON CITY VILLAGE	BROOME	18 025	19 118	-5.7
JOHNSTOWN CITY	FULTON	10 048	10 390	-3.3
JORDAN VILLAGE	ONONDAGA	1 493	1 390	7.4
KEESEVILLE VILLAGE	CLINTON ESSEX	2 122	2 213	-4.1
KENMORE VILLAGE	ERIE	20 980	21 201	-1.3
KENSINGTON VILLAGE	NASSAU	1 548	1 166	32.8
KERHONKSON (U)	ULSTER	1 243	...	...
KINDERHOOK VILLAGE	COLUMBIA	1 233	1 078	14.4
KINGS PARK (U)	SUFFOLK	5 555	4 949	12.2
KINGS POINT VILLAGE	NASSAU	5 525	5 610	-1.5
KINGSTON CITY	ULSTER	25 544	29 260	-12.7
LACKAWANNA CITY	ERIE	28 657	29 564	-3.1
LACONA VILLAGE	OSWEGO	556	556	-
LAKE (U)	ORANGE	1 352	...	...
LAKE CARMEL (U)	PUTNAM	4 796	2 735	75.4
LAKE ERIE BEACH (U)	ERIE	3 467	2 117	63.8
LAKE GEORGE VILLAGE	WARREN	1 046	1 026	1.9
LAKE GROVE VILLAGE	SUFFOLK	8 133	...	...
LAKE KATRINE (U)	ULSTER	1 092	1 149	-5.0
LAKE PLACID VILLAGE	ESSEX	2 731	2 998	-8.9
LAKE SUCCESS VILLAGE	NASSAU	3 294	2 954	10.2
LAKEVIEW (U)	NASSAU	9 471	...	...
LAKEWOOD VILLAGE	CHAUTAUQUA	3 864	3 933	-1.8
LANCASTER VILLAGE	ERIE	13 369	12 294	9.1
LARCHMONT VILLAGE	WESTCHESTER	7 203	6 789	6.1
LATHAM (U)	ALBANY	9 661	...	...
LATTINGTOWN VILLAGE	NASSAU	1 773	1 461	21.4
LAUREL HOLLOW VILLAGE	NASSAU	1 401	834	68.0
LAURENS VILLAGE	OTSEGO	320	291	10.0
LAWRENCE VILLAGE	NASSAU	6 366	5 907	11.2
LEICESTER VILLAGE	LIVINGSTON	368	365	0.8
LE ROY VILLAGE	GENESEE	5 118	4 662	9.8
LEVITTOWN (U)	NASSAU	65 440	65 276	0.3
LEWISTON VILLAGE	NIAGARA	3 292	3 320	-0.8
LIBERTY VILLAGE	SULLIVAN	4 293	4 704	-8.7
LIMA VILLAGE	LIVINGSTON	1 686	1 366	23.4
LIMESTONE VILLAGE	CATTARAUGUS	535	539	-0.7
LINCOLN PARK (U)	ULSTER	2 851	2 707	5.3
LINDENHURST VILLAGE	SUFFOLK	28 338	20 905	35.6
LISLE VILLAGE	BROOME	336	335	0.3
LITTLE FALLS CITY	HERKIMER	7 629	8 935	-14.6
LITTLE VALLEY VILLAGE	CATTARAUGUS	1 340	1 244	7.7
LIVERPOOL VILLAGE	ONONDAGA	3 307	3 487	-5.2
LIVINGSTON MANOR (U)	SULLIVAN	1 522	2 080	-26.8
LIVONIA VILLAGE	LIVINGSTON	1 278	946	35.1
LLOYD HARBOR VILLAGE	SUFFOLK	3 571	2 521	33.7
LOCKPORT CITY	NIAGARA	25 399	26 483	-3.9
LOCUST GROVE (U)	NASSAU	11 626	11 558	0.6
LODI VILLAGE	SENECA	353	396	-10.9
LONG BEACH CITY	NASSAU	33 127	26 673	25.1
LORENZ PARK (U)	COLUMBIA	1 995	...	...
LOUDONVILLE (U)	ALBANY	9 209	...	...
LOWVILLE VILLAGE	LEWIS	3 671	3 616	1.5
LYNBROOK VILLAGE	NASSAU	22 774	19 881	19.6
LYNDONVILLE VILLAGE	ORLEANS	888	755	17.6
LYONS FALLS VILLAGE	LEWIS	852	887	-3.9
LYONS VILLAGE	WAYNE	4 496	4 673	-3.8
MC GRAW VILLAGE	CORTLAND	1 319	1 276	3.4
MACEDON VILLAGE	WAYNE	1 108	648	81.1
MADISON VILLAGE	MADISON	386	327	18.0
MAHOPAC (U)	PUTNAM	5 265	1 337	293.8
MALONE VILLAGE	FRANKLIN	8 048	8 737	-7.9
MALVERNE VILLAGE	NASSAU	10 036	9 968	0.7
MAMARONECK VILLAGE	WESTCHESTER	18 909	17 673	7.0
MANCHESTER VILLAGE	ONTARIO	1 309	1 348	-2.9
MANHASSET (U)	NASSAU	8 541	...	...
MANLIUS VILLAGE	ONONDAGA	4 295	1 997	115.1
MANNSVILLE VILLAGE	JEFFERSON	494	446	10.8
MANORHAVEN VILLAGE	NASSAU	5 710	3 566	60.1
MARATHON VILLAGE	CORTLAND	1 053	1 079	-2.4
MARCELLUS VILLAGE	ONONDAGA	1 496	1 697	-11.8
MARGARETVILLE VILLAGE	DELAWARE	816	833	-2.0
MARLBORO (U)	ULSTER	1 580	1 733	-8.8
MASSAPEQUA (U)	NASSAU	26 951	28 900	-10.1

Table 3. Population of Places: 1970 and 1960—Continued

(For information on boundary changes and meaning of symbols see text)

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
MASSAPEQUA PARK VILLAGE	NASSAU	22 112	19 904	11.1
MASSENA VILLAGE	ST. LAWRENCE	16 042	15 478	-9.3
MASTIC BEACH (U)	SUFFOLK	4 870	3 035	60.5
MATINECOCK VILLAGE	NASSAU	841	824	2.1
MATTITUCK (U)	SUFFOLK	1 995	1 274	56.6
MATTYDALE (U)	ONONDAGA	8 292	...	...
MAYBROOK VILLAGE	ORANGE	1 536	1 348	13.9
MAYFIELD VILLAGE	FULTON	981	818	19.9
MAYVILLE VILLAGE	CHAUTAUQUA	1 567	1 619	-3.2
MECHANICVILLE CITY	SARATOGA	6 247	6 831	-8.5
MEDINA VILLAGE	ORLEANS	6 415	6 681	-4.0
MELROSE PARK (U)	CAYUGA	2 189	2 058	6.4
MELVILLE (U)	SUFFOLK	5 999	...	...
MENANDS VILLAGE	ALBANY	3 449	2 314	49.0
MERIDIAN VILLAGE	CAYUGA	369	379	-2.6
MERRICK (U)	NASSAU	25 904	18 789	37.9
MERRIEWOLD LAKE (U)	ORANGE	2 564	...	...
MEXICO VILLAGE	OSWEGO	1 559	1 465	6.1
MIDDLEBURG VILLAGE	SCHOHARIE	1 410	1 317	7.1
MIDDLEHOPE (U)	ORANGE	2 327	...	...
MIDDLEPORT VILLAGE	NIAGARA	2 132	1 882	13.3
MIDDLETOWN CITY	ORANGE	22 607	23 475	-3.7
MIDDLEVILLE VILLAGE	HERKIMER	725	648	11.9
MILFORD VILLAGE	OTSEGO	527	548	-3.8
MILLBROOK VILLAGE	DUTCHESS	1 735	1 717	1.0
MILLERTON VILLAGE	DUTCHESS	1 042	1 027	1.5
MILL NECK VILLAGE	NASSAU	982	701	40.1
MILLPORT VILLAGE	CHEMUNG	480	425	12.9
MILTON (U)	SARATOGA	1 861	...	...
MINEOLA VILLAGE	NASSAU	21 845	20 519	6.5
MINEVILLE-WITHERBEE (U)	ESSEX	1 967	...	...
MINOA VILLAGE	ONONDAGA	2 245	1 838	22.1
MOHAWK VILLAGE	HERKIMER	3 301	3 533	-6.6
MONROE VILLAGE	ORANGE	4 439	3 323	33.6
MONSEY (U)	ROCKLAND	8 797	...	...
MONTGOMERY VILLAGE	ORANGE	1 533	1 312	16.8
MONTICELLO VILLAGE	SULLIVAN	5 991	5 222	14.7
MONTOUR FALLS VILLAGE	SCHUYLER	1 534	1 533	0.1
MOORES VILLAGE	CLINTON	536	543	-1.3
MORAVIA VILLAGE	CAYUGA	1 642	1 575	4.3
MORRIS VILLAGE	OTSEGO	675	677	-0.3
MORRISONVILLE (U)	CLINTON	1 276	...	...
MORRISTOWN VILLAGE	ST. LAWRENCE	532	541	-1.7
MORRISVILLE VILLAGE	MADISON	2 296	1 304	76.1
MOUNT KISCO VILLAGE	WESTCHESTER	8 172	6 805	20.1
MOUNT MORRIS VILLAGE	LIVINGSTON	3 417	3 250	5.1
MOUNT VERNON CITY	WESTCHESTER	72 778	76 010	-4.3
MUNNSVILLE VILLAGE	MADISON	435	391	11.3
MUNSEY PARK VILLAGE	NASSAU	2 980	8 847	4.7
MUNSONS CORNERS (U)	CORTLAND	2 076	...	...
MUTTONTOWN VILLAGE	NASSAU	1 919	1 265	51.7
MYERS CORNER (U)	DUTCHESS	2 826	...	...
NANUET (U)	ROCKLAND	10 447	...	...
NAPLES VILLAGE	ONTARIO	1 324	1 237	7.0
NASSAU VILLAGE	RENSSELAER	1 466	1 248	17.5
NELLISTON VILLAGE	MONTGOMERY	716	729	-1.8
NELSONVILLE VILLAGE	PUTNAM	583	555	5.0
NESCONSET (U)	SUFFOLK	10 048	1 964	411.6
NEWARK VALLEY VILLAGE	TIOGA	1 286	1 234	4.2
NEWARK VILLAGE	WAYNE	11 644	12 868	-9.5
NEW BERLIN VILLAGE	CHENANGO	1 369	1 268	8.0
NEWBURGH CITY	ORANGE	26 219	30 979	-15.4
NEW CASSEL (U)	NASSAU	8 554	...	...
NEW CITY (U)	ROCKLAND	27 344	...	...
NEWFANE (U)	NIAGARA	2 588	1 423	81.9
NEW HACKENSACK (U)	DUTCHESS	1 111	...	...
NEW HAMBURG (U)	DUTCHESS	1 064	...	...
NEW HARTFORD VILLAGE	ONEIDA	2 433	2 468	-1.4
NEW HYDE PARK VILLAGE	NASSAU	10 116	10 808	-6.4
NEW PALTZ VILLAGE	ULSTER	6 058	3 041	99.2
NEWPORT VILLAGE	HERKIMER	908	827	9.8
NEW ROCHELLE CITY	WESTCHESTER	75 385	76 812	-1.9
NEW SQUARE VILLAGE	ROCKLAND	1 156	...	...
NEW WINDSOR CENTER (U)	ORANGE	8 803	4 041	117.8
NEW YORK CITY CITY		7 867 760	7 781 984	1.1
BRONX BOROUGH (PART OF NEW YORK CITY)	BRONX	1 472 216	1 424 815	3.3
BROOKLYN BOROUGH (PART OF NEW YORK CITY)	KINGS	2 601 852	2 627 319	-1.0
MANHATTAN BOROUGH (PART OF NEW YORK CITY)	NEW YORK	1 524 541	1 698 281	-10.2
QUEENS BOROUGH (PART OF NEW YORK CITY)	QUEENS	1 973 708	1 809 578	9.1
RICHMOND BOROUGH (PART OF NEW YORK CITY)	RICHMOND	295 443	221 991	33.1
NEW YORK MILLS VILLAGE	ONEIDA	5 805	5 784	0.4
NIAGARA FALLS CITY	NIAGARA	85 615	102 394	-16.4
NICHOLS VILLAGE	TIOGA	638	663	-3.8
NIMMONSBURG-CHENANGO BRIDGE (U)	BROOME	5 059	...	...
NISKAYUNA (U)	SCHENECTADY	6 186	...	...
NISSEQUOGUE VILLAGE	SUFFOLK	1 120	332	237.3
NORFOLK CENTER (U)	ST. LAWRENCE	1 579	1 383	1.9
NORTH AMITYVILLE (U)	SUFFOLK	11 908	...	...
NORTH BABYLON (U)	SUFFOLK	39 886	...	...
NORTH BALLSTON SPA (U)	SARATOGA	1 896	...	...
NORTH BELLMORE (U)	NASSAU	22 893	19 639	16.6
NORTH BELLPORT (U)	SUFFOLK	9 903	...	...

Table 3. Population of Places: 1970 and 1960—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
NORTH BOSTON (U)	ERIE	1 635	...	...
NORTH CHILI (U)	MONROE	3 163	...	...
NORTH COLLINS VILLAGE	ERIE	1 675	1 574	6.4
NORTH GREAT RIVER (U)	SUFFOLK	12 080	...	...
NORTH HAVEN VILLAGE	SUFFOLK	694	450	54.2
NORTH HILLS VILLAGE	NASSAU	295	359	-17.8
NORTH HORNELL VILLAGE	STEUBEN	919	917	0.2
NORTH LINDENHURST (U)	SUFFOLK	11 209	...	...
NORTH MASSAPEQUA (U)	NASSAU	23 101	...	...
NORTH MERRICK (U)	NASSAU	13 650	12 976	5.2
NORTH NEW HYDE PARK (U)	NASSAU	17 945	17 929	0.1
NORTH PATCHOGUE (U)	SUFFOLK	6 383	...	...
NORTH PELHAM VILLAGE	WESTCHESTER	5 188	5 326	-2.7
NORTHPORT VILLAGE	SUFFOLK	7 440	5 972	24.6
NORTH SYRACUSE VILLAGE	ONONDAGA	8 687	7 412	17.2
NORTH TARRYTOWN VILLAGE	WESTCHESTER	8 334	8 818	-5.5
NORTH TONAWANDA CITY	NIAGARA	36 012	34 757	3.6
NORTH VALLEY STREAM (U)	NASSAU	14 881	17 239	-13.7
NORTHVILLE VILLAGE	FULTON	1 192	1 156	3.1
NORTH WANTAGH (U)	NASSAU	15 053	...	...
NORWICH CITY	CHENANGO	8 843	9 175	-3.6
NORWOOD VILLAGE	ST. LAWRENCE	2 098	2 200	-4.6
NUNDA VILLAGE	LIVINGSTON	1 254	1 224	2.5
NYACK VILLAGE	ROCKLAND	6 639	6 062	9.8
OAKDALE (U)	SUFFOLK	7 334	...	...
OAKFIELD VILLAGE	GENESEE	1 964	2 070	-5.1
OCEAN BEACH VILLAGE	SUFFOLK	109	111	-1.8
OCEANSIDE (U)	NASSAU	35 028	30 488	14.9
ODESSA VILLAGE	SCHUYLER	606	573	5.8
OGDENSBURG CITY	ST. LAWRENCE	19 554	16 122	-9.7
OLCOTT (U)	NIAGARA	1 592	1 215	31.0
OLD BETHPAGE (U)	NASSAU	7 084	...	...
OLD BROOKVILLE VILLAGE	NASSAU	2 502	1 126	122.2
OLD FIELD VILLAGE	SUFFOLK	812	373	117.7
OLD WESTBURY VILLAGE	NASSAU	2 667	2 064	29.2
OLEAN CITY	CATTARAUGUS	19 148	21 868	-12.5
ONEIDA CITY	MADISON	11 628	11 677	-0.4
ONEIDA CASTLE VILLAGE	ONEIDA	788	754	4.5
ONEONTA CITY	OTSEGO	18 030	13 412	19.5
ONTAD LAKE (U)	DUTCHESS	1 987	...	...
ORANGE LAKE (U)	ORANGE	4 348	...	...
ORCHARD PARK VILLAGE	ERIE	3 732	3 278	13.8
ORISKANY FALLS VILLAGE	ONEIDA	927	972	-4.6
ORISKANY VILLAGE	ONEIDA	1 627	1 580	3.0
OSSINING VILLAGE	WESTCHESTER	21 659	18 662	16.1
OSWEGO CITY	OSWEGO	23 844	22 155	7.6
OTEGO VILLAGE	OTSEGO	956	875	9.3
OTISVILLE VILLAGE	ORANGE	933	896	4.1
OVID VILLAGE	SENECA	779	789	-1.3
OWEGO VILLAGE	TIOGA	5 152	5 417	-4.9
OXFORD VILLAGE	CHENANGO	1 984	1 871	5.9
OYSTER BAY COVE VILLAGE	NASSAU	1 320	988	33.6
PAINTED POST VILLAGE	STEUBEN	2 498	2 570	-2.9
PALATINE BRIDGE VILLAGE	MONTGOMERY	601	578	4.0
PALMYRA VILLAGE	WAYNE	3 776	3 476	8.6
PANAMA VILLAGE	CHAUTAUQUA	489	450	8.7
PARISH VILLAGE	OSWEGO	634	567	11.8
PATCHOGUE VILLAGE	SUFFOLK	11 582	8 838	31.0
PAWLING VILLAGE	DUTCHESS	1 914	1 734	10.4
PEARL RIVER (U)	ROCKLAND	17 146	...	...
PEEKSKILL CITY	WESTCHESTER	18 881	18 737	0.8
PELHAM MANOR VILLAGE	WESTCHESTER	6 673	6 118	9.1
PELHAM VILLAGE	WESTCHESTER	2 076	1 908	8.7
PENN YAN VILLAGE	YATES	5 168	5 770	-10.4
PERRYSBURG VILLAGE	CATTARAUGUS	433	434	-0.2
PERRY VILLAGE	WYOMING	4 538	4 629	-2.0
PERU (U)	CLINTON	1 201	...	...
PHELPS VILLAGE	ONTARIO	1 989	1 887	5.4
PHILADELPHIA VILLAGE	JEFFERSON	858	868	-1.2
PHILMONT VILLAGE	COLUMBIA	1 674	1 790	-6.5
PHOENIX VILLAGE	OSWEGO	2 617	2 408	8.7
PIERMONT VILLAGE	ROCKLAND	2 386	1 906	25.2
PIKE VILLAGE	WYOMING	373	345	8.1
PINE BUSH (U)	ORANGE	1 183	1 016	16.4
PINE HILL VILLAGE	ULSTER	247	180	37.2
PINE NECK-WEST TIANA (U)	SUFFOLK	1 326	...	...
PITTSFORD VILLAGE	MONROE	1 755	1 749	0.3
PLAINEDGE (U)	NASSAU	10 759	21 973	-51.0
PLAINVIEW (U)	NASSAU	32 195	27 710	16.2
PLANDOME HEIGHTS VILLAGE	NASSAU	1 032	1 025	0.7
PLANDOME MANOR VILLAGE	NASSAU	835	705	18.4
PLANDOME VILLAGE	NASSAU	1 593	1 379	15.5
PLATTSBURGH BASE (U)	CLINTON	7 078	...	...
PLATTSBURGH CITY	CLINTON	18 715	20 172	-7.2
PLEASANT VALLEY (U)	DUTCHESS	1 372	...	...
PLEASANTVILLE VILLAGE	WESTCHESTER	7 110	5 877	21.0
POLAND VILLAGE	HERKIMER	629	564	11.5
POMONA VILLAGE	ROCKLAND	1 798	...	...
PONQUOGUE (U)	SUFFOLK	1 474	111	...
POQUOTT VILLAGE	SUFFOLK	427	295	44.7

Table 3. Population of Places: 1970 and 1960—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
PORT BYRON VILLAGE	CAYUGA	1 330	1 201	10.7
PORT CHESTER VILLAGE	WESTCHESTER	25 803	24 960	3.4
PORT DICKINSON VILLAGE	BROOME	2 132	2 295	-7.1
PORT EWEN (U)	ULSTER	2 882	2 622	9.9
PORT HENRY VILLAGE	ESSEX	1 532	1 767	-13.3
PORT JEFFERSON STATION (U)	SUFFOLK	7 403	1 041	611.1
PORT JEFFERSON VILLAGE	SUFFOLK	5 515	...	...
PORT JERVIS CITY	ORANGE	8 852	9 268	-4.5
PORT LEYDEN VILLAGE	LEWIS	682	698	-4.0
PORTVILLE VILLAGE	CATTARAUGUS	1 304	1 336	-2.4
PORT WASHINGTON (U)	NASSAU	15 923	15 657	1.7
PORT WASHINGTON NORTH VILLAGE	NASSAU	2 578	722	257.1
POTSDAM VILLAGE	ST. LAWRENCE	9 985	7 765	28.6
POUGHKEEPSIE CITY	DUTCHESS	32 029	38 330	-16.4
PRATTSBURG VILLAGE	STEUBEN	765	690	10.9
PROSPECT VILLAGE	ONEIDA	392	348	12.6
PULASKI VILLAGE	OSWEGO	2 480	2 256	9.9
PUTNAM LAKE (U)	PUTNAM	1 425	...	...
QUOGUE VILLAGE	SUFFOLK	865	692	25.0
RANDOLPH VILLAGE	CATTARAUGUS	1 498	1 414	5.9
RANSOMVILLE (U)	NIAGARA	1 034	...	...
RAVENA VILLAGE	ALBANY	2 797	2 410	16.1
RED CREEK VILLAGE	WAYNE	626	689	-9.1
RED HOOK VILLAGE	DUTCHESS	1 680	1 719	-2.3
RED OAKS MILL (U)	DUTCHESS	3 919	...	...
REMSEN VILLAGE	ONEIDA	602	567	6.2
RENSSELAER CITY	RENSSELAER	10 134	10 506	-3.5
RENSSELAER FALLS VILLAGE	ST. LAWRENCE	332	375	-11.5
RHINEBECK VILLAGE	DUTCHESS	2 336	2 093	11.6
RICHBURG VILLAGE	ALLEGANY	482	493	-2.2
RICHFIELD SPRINGS VILLAGE	OTSEGO	1 540	1 630	-5.5
RICHMONDVILLE VILLAGE	SCHOHARIE	826	743	11.2
RICHVILLE VILLAGE	ST. LAWRENCE	334	292	14.4
RIPLEY (U)	CHAUTAUQUA	1 173	1 247	-5.9
RIVERHEAD (U)	SUFFOLK	7 585	5 830	30.1
RIVERSIDE VILLAGE	STEUBEN	911	1 030	-11.6
ROCHDALE (U)	DUTCHESS	1 849	1 800	2.7
ROCHESTER CITY	MONROE	296 233	318 611	-7.0
ROCKVILLE CENTRE VILLAGE	NASSAU	27 444	26 355	4.1
ROESSLEVILLE (U)	ALBANY	5 476	...	...
ROLLING ACRES (U)	MONROE	1 152	...	...
ROME CITY	ONEIDA	80 148	91 646	-2.9
URBAN PART		47 655	(NA)	...
RURAL PART		2 493	(NA)	...
RONKONKOMA (U)	SUFFOLK	7 284	4 220	72.6
ROOSEVELT (U)	NASSAU	15 008	12 883	16.5
ROSENDALE VILLAGE	ULSTER	1 220	1 033	18.1
ROSLYN ESTATES VILLAGE	NASSAU	1 420	1 289	10.2
ROSLYN HARBOR VILLAGE	NASSAU	939	925	1.5
ROSLYN HEIGHTS (U)	NASSAU	7 140	...	...
ROSLYN VILLAGE	NASSAU	2 546	2 681	-5.0
ROTTERDAM (U)	SCHENECTADY	25 153	16 871	49.1
ROUND LAKE VILLAGE	SARATOGA	886	...	...
ROUSES POINT VILLAGE	CLINTON	2 250	2 160	4.2
RUSHVILLE VILLAGE	ONTARIO YATES	568	465	22.2
RUSSELL GARDENS VILLAGE	NASSAU	1 174	1 156	1.6
RYE CITY	WESTCHESTER	15 869	14 225	11.6
SACKETS HARBOR VILLAGE	JEFFERSON	1 202	1 279	-6.0
SADDLE ROCK VILLAGE	NASSAU	895	1 109	-19.3
SAG HARBOR VILLAGE	SUFFOLK	2 363	2 345	0.7
ST. JAMES (U)	SUFFOLK	10 818	3 524	207.0
ST. JOHNSVILLE VILLAGE	MONTGOMERY	2 089	2 196	-4.9
SALAMANCA CITY	CATTARAUGUS	7 877	8 480	-7.1
SALEM VILLAGE	WASHINGTON	1 025	1 076	-4.7
SALTAIRE VILLAGE	SUFFOLK	37	28	32.1
SAND RIDGE (U)	OSWEGO	1 109	...	...
SANDS POINT VILLAGE	NASSAU	2 916	2 161	34.9
SANDY BEACH (U)	ERIE	1 691	...	...
SANDY CREEK VILLAGE	OSWEGO	731	697	4.9
SAN REMO (U)	SUFFOLK	8 302	3 160	162.7
SARANAC LAKE VILLAGE	ESSEX FRANKLIN	6 086	6 421	-5.2
SARATOGA SPRINGS CITY	SARATOGA	18 845	16 630	13.3
SAUGERTIES SOUTH (U)	ULSTER	3 159	...	...
SAUGERTIES VILLAGE	ULSTER	4 190	4 286	-2.2
SAVANNAH VILLAGE	WAYNE	636	602	5.6
SAVONA VILLAGE	STEUBEN	933	904	3.2
SAYVILLE (U)	SUFFOLK	11 680	...	...
SCARSDALE VILLAGE	WESTCHESTER	19 229	17 968	7.0
SCHAGHTICOKE VILLAGE	RENSSELAER	860	720	19.4
SCHENECTADY CITY	SCHENECTADY	77 859	81 682	-4.7
SCHENEVUS VILLAGE	OTSEGO	540	493	9.5
SCHOHARIE VILLAGE	SCHOHARIE	1 125	1 168	-3.7
SCHUYLERVILLE VILLAGE	SARATOGA	1 402	1 361	3.0
SCOTCHTOWN (U)	ORANGE	2 119	...	...
SCOTIA VILLAGE	SCHENECTADY	8 224	7 625	7.9
SCOTTSVILLE VILLAGE	MONROE	1 967	1 863	5.6
SEA CLIFF VILLAGE	NASSAU	5 890	5 669	3.9
SEAFORD (U)	NASSAU	17 379	14 718	18.1
SELDEN (U)	SUFFOLK	11 613	1 604	624.0

Table 3. **Population of Places: 1970 and 1960**—Continued

[For information on boundary changes and meaning of symbols, see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
SENECA FALLS VILLAGE	SENECA	7 794	7 439	4.8
SETAUKET-SOUTH SETAUKET (U)	SUFFOLK	6 857	...	...
SHARON SPRINGS VILLAGE	SCHOHARIE	421	351	19.9
SHERBURNE VILLAGE	CHENANGO	1 613	1 647	-2.1
SHERMAN VILLAGE	CHAUTAUQUA	769	873	-11.9
SHERRILL CITY	ONEIDA	2 886	2 922	-1.2
SHIRLEY (U)	SUFFOLK	6 280	...	...
SHOREHAM VILLAGE	SUFFOLK	524	164	219.5
SHORTSVILLE VILLAGE	ONTARIO	1 516	1 382	9.7
SIDNEY VILLAGE	DELAWARE	4 789	5 157	-7.1
SILVER CREEK VILLAGE	CHAUTAUQUA	3 182	3 310	-3.9
SILVER SPRINGS VILLAGE	WYOMING	823	726	13.4
SINCLAIRVILLE VILLAGE	CHAUTAUQUA	772	726	6.3
SKANEATELES VILLAGE	ONONDAGA	3 055	2 921	4.6
SLABTOWN (U)	CHEMUNG	2 753	...	...
SLOAN VILLAGE	ERIE	5 216	5 803	-10.1
SLOATSBURG VILLAGE	ROCKLAND	3 134	2 565	22.2
SMYRNA VILLAGE	CHENANGO	247	286	-13.6
SODUS POINT VILLAGE	WAYNE	1 172	868	35.0
SODUS VILLAGE	WAYNE	1 813	1 645	10.2
SOLVAY VILLAGE	ONONDAGA	8 280	8 732	-5.2
SOUTHAMPTON VILLAGE	SUFFOLK	4 904	4 582	7.0
SOUTH CORNING VILLAGE	STEUBEN	1 414	1 588	-11.0
SOUTH DAYTON VILLAGE	CATTARAUGUS	688	696	-1.1
SOUTH FALLSBURG (U)	SULLIVAN	1 590	1 290	23.3
SOUTH FARMINGDALE (U)	NASSAU	20 464	16 316	25.4
SOUTH FLORAL PARK VILLAGE	NASSAU	1 032	1 090	-5.3
SOUTH GLENS FALLS VILLAGE	SARATOGA	4 013	4 189	-4.2
SOUTH HOLBROOK (U)	SUFFOLK	6 700	...	...
SOUTH HUDSON FALLS (U)	WASHINGTON	2 097	...	...
SOUTH HUNTINGTON (U)	SUFFOLK	8 946	7 084	26.3
SOUTH LOCKPORT (U)	NIAGARA	1 341	...	...
SOUTH NYACK VILLAGE	ROCKLAND	3 439	3 113	10.5
SOUTHOLD (U)	SUFFOLK	2 030	...	...
SOUTHPORT (U)	CHEMUNG	8 685	...	...
SOUTH STONY BROOK (U)	SUFFOLK	15 329	...	...
SOUTH VALLEY STREAM (U)	NASSAU	6 595	...	...
SOUTH WESTBURY (U)	NASSAU	10 978	11 977	-8.3
SPACKENKILL (U)	DUTCHESS	2 725	...	...
SPECULATOR VILLAGE	HAMILTON	390	378	3.2
SPENCERPORT VILLAGE	MONROE	2 929	2 661	10.0
SPENCER VILLAGE	TIOGA	854	767	11.3
SPRING VALLEY VILLAGE	ROCKLAND	18 112	6 530	177.3
SPRINGVILLE VILLAGE	ERIE	4 350	3 852	12.9
SPROUTVILLE (U)	DUTCHESS	1 871	...	...
STAMFORD VILLAGE	DELAWARE	1 286	1 166	10.3
STEWART (U)	ORANGE	1 230	...	...
STEWART MANOR VILLAGE	NASSAU	2 183	2 422	-9.9
STILLWATER VILLAGE	SARATOGA	1 428	1 398	2.1
STONY BROOK (U)	SUFFOLK	6 391	3 548	80.1
STONY POINT (U)	ROCKLAND	8 270	3 330	148.3
STOTTVILLE (U)	COLUMBIA	1 106	1 040	6.3
SUFFERN VILLAGE	ROCKLAND	8 273	9 094	-9.0
SYOSSET (U)	NASSAU	9 970	...	...
SYRACUSE CITY	ONONDAGA	197 208	216 038	-8.7
TANNERSVILLE VILLAGE	GREENE	650	380	71.1
TAPPAN (U)	ROCKLAND	7 424	...	...
TARRYTOWN VILLAGE	WESTCHESTER	11 115	11 109	0.1
THERESA VILLAGE	JEFFERSON	985	956	3.0
THOMASTON VILLAGE	NASSAU	2 484	2 767	-10.2
THORNWOOD (U)	WESTCHESTER	6 874	...	...
TICONDEROGA VILLAGE	ESSEX	3 268	3 568	-8.4
TILLSON (U)	ULSTER	1 256	...	...
TIVOLI VILLAGE	DUTCHESS	739	732	1.0
TONAWANDA CITY	ERIE	21 908	21 561	1.6
TOWN LINE (U)	ERIE	2 434	...	...
TRENTON VILLAGE	ONEIDA	423	369	14.5
TRIBES HILL (U)	MONTGOMERY	1 184	...	...
TROY CITY	RENSSELAER	62 918	67 492	-6.8
TRUMANSBURG VILLAGE	TOMPKINS	1 618	1 708	-5.3
TUCKAHOE VILLAGE	WESTCHESTER	6 236	6 423	-2.9
TULLY VILLAGE	ONONDAGA	899	803	12.0
TUPPER LAKE VILLAGE	FRANKLIN	4 854	5 200	-6.7
TURIN VILLAGE	LEWIS	293	323	-9.3
TUXEDO PARK VILLAGE	ORANGE	661	723	-8.1
UNADILLA VILLAGE	OTSEGO	1 489	1 586	-6.1
UNIONDALE (U)	NASSAU	32 077	20 041	60.2
UNION SPRINGS VILLAGE	CAYUGA	1 183	1 066	11.0
UNIONVILLE VILLAGE	ORANGE	576	511	12.7
UPPER BROOKVILLE VILLAGE	NASSAU	1 182	1 049	12.7
UPPER NYACK VILLAGE	ROCKLAND	2 096	1 633	28.3
UTICA CITY	ONEIDA	91 611	100 410	-8.8
VALATIE VILLAGE	COLUMBIA	1 288	1 237	4.1
VALLEY COTTAGE (U)	ROCKLAND	6 007	...	...
VALLEY FALLS VILLAGE	RENSSELAER	681	589	15.6
VALLEY STREAM VILLAGE	NASSAU	40 413	36 629	10.3
VAN ETTEN VILLAGE	CHEMUNG	322	307	5.0
VAN KEURENS (U)	DUTCHESS	3 292	...	...
VERNON VALLEY (U)	SUFFOLK	7 925	5 996	32.2
VERNON VILLAGE	ONEIDA	1 108	913	21.4

Table 3 **Population of Places: 1970 and 1960**—Continued

[For information on boundary changes and meaning of symbols see text]

All Incorporated Places Unincorporated Places of 1,000 or More	Counties	1970	1960	Percent change
VESTAL-TWIN ORCHARDS (U)	BROOME	8 303	...	...
VICTOR VILLAGE	ONTARIO	2 187	1 180	85.3
VICTORY VILLAGE	SARATOGA	718	497	44.5
VILLAGE OF THE BRANCH VILLAGE	SUFFOLK	1 675	886	89.1
VIOLA (U)	ROCKLAND	5 136	...	...
VOORHEESVILLE VILLAGE	ALBANY	2 826	1 228	130.1
WADDINGTON VILLAGE	ST. LAWRENCE	955	921	3.7
WALDEN VILLAGE	ORANGE	5 277	4 851	8.8
WALLKILL (U)	ULSTER	1 849	1 215	52.2
WALTON VILLAGE	DELAWARE	3 748	3 855	-2.9
WAMPSVILLE VILLAGE	MADISON	586	564	3.9
WANTAGH (U)	NASSAU	21 873	34 172	-36.0
WAPPINGERS FALLS EAST (U)	DUTCHESS	2 017	...	...
WAPPINGERS FALLS VILLAGE	DUTCHESS	5 607	4 447	26.1
WAPPINGERS LAKE (U)	DUTCHESS	1 958	...	...
WARRENSBURG CENTER (U)	WARREN	2 743	2 240	22.5
WARSAW VILLAGE	WYOMING	3 619	3 653	-0.9
WARWICK VILLAGE	ORANGE	3 604	3 218	12.0
WASHINGTON HEIGHTS (U)	ORANGE	1 204	1 231	-2.2
WASHINGTONVILLE VILLAGE	ORANGE	1 887	1 178	60.2
WATERFORD VILLAGE	SARATOGA	2 879	2 915	-1.2
WATKINS GLEN VILLAGE	SCHUYLER	5 418	5 098	6.3
WATERTOWN CITY	JEFFERSON	30 787	33 306	-7.6
WATERVILLE VILLAGE	ONEIDA	1 808	1 901	-4.9
WATERVLIET CITY	ALBANY	12 408	13 917	-10.9
WAVERLY VILLAGE	TIOGA	5 261	5 950	-11.6
WAYLAND VILLAGE	STEUBEN	2 022	2 003	0.9
WEBSTER VILLAGE	MONROE	5 037	3 060	64.6
WEEDSPORT VILLAGE	CAYUGA	1 900	1 731	9.8
WELLSBURG VILLAGE	CHEMUNG	779	643	21.2
WELLSVILLE VILLAGE	ALLEGANY	5 815	5 967	-2.5
WEST AMITYVILLE (U)	NASSAU	6 393	...	...
WEST BABYLON (U)	SUFFOLK	12 788	...	...
WESTBURY VILLAGE	NASSAU	15 262	14 757	4.1
WEST CARTHAGE VILLAGE	JEFFERSON	2 047	2 167	-5.5
WEST ELMIRA (U)	CHEMUNG	5 901	5 763	2.4
WEST END (U)	OTSEGO	1 692	1 436	17.8
WESTFIELD VILLAGE	CHAUTAUQUA	3 651	3 878	-5.9
WEST GLENS FALLS (U)	WARREN	5 363	2 725	23.4
WESTHAMPTON (U)	SUFFOLK	1 156	...	...
WESTHAMPTON BEACH VILLAGE	SUFFOLK	1 926	1 460	31.9
WEST HAVERSTRAW VILLAGE	ROCKLAND	8 558	5 020	70.5
WEST HEMPSTEAD (U)	NASSAU	20 379	...	...
WEST ISLIP (U)	SUFFOLK	16 711	...	...
WESTMERE (U)	ALBANY	6 364	...	...
WEST NYACK (U)	ROCKLAND	5 510	...	...
WESTPORT VILLAGE	ESSEX	673	723	-6.9
WEST SAND LAKE (U)	RENSSELAER	1 875	...	...
WEST SAYVILLE (U)	SUFFOLK	7 386	...	...
WESTVALE (U)	ONONDAGA	7 253	...	...
WEST WINFIELD VILLAGE	HERKIMER	1 018	960	6.0
WHITEHALL VILLAGE	WASHINGTON	3 764	4 016	-6.3
WHITE PLAINS CITY	WESTCHESTER	50 220	50 485	-0.5
WHITESBORO VILLAGE	ONEIDA	4 805	4 784	0.4
WHITNEY POINT VILLAGE	BROOME	1 058	1 049	0.9
WILLIAMSON CENTER (U)	WAYNE	1 991	1 690	17.8
WILLIAMSVILLE VILLAGE	ERIE	6 835	6 316	8.2
WILLISTON PARK VILLAGE	NASSAU	9 154	8 259	10.9
WILSON VILLAGE	NIAGARA	1 284	1 320	-2.7
WINDSOR VILLAGE	BROOME	1 098	1 026	7.0
WOLCOTT VILLAGE	WAYNE	1 617	1 681	-3.5
WOODBOURNE (U)	SULLIVAN	1 155	...	...
WOODHULL VILLAGE	STEUBEN	313	321	-2.5
WOODMERE (U)	NASSAU	19 831	14 011	41.5
WOODRIDGE VILLAGE	SULLIVAN	1 071	1 034	3.6
WOODSBURGH VILLAGE	NASSAU	817	903	-9.9
WOODSTOCK (U)	ULSTER	1 073	...	...
WURTSBORO VILLAGE	SULLIVAN	732	659	11.8
WYANDANCH (U)	SUFFOLK	14 906	...	...
WYOMING VILLAGE	WYOMING	514	526	-2.3
YAPHANK (U)	SUFFOLK	5 460	...	...
YONKERS CITY	WESTCHESTER	204 370	190 634	7.2
YORKTOWN HEIGHTS (U)	WESTCHESTER	6 805	2 478	174.6
YORKVILLE VILLAGE	ONEIDA	3 425	3 749	-8.6
YOUNGSTOWN VILLAGE	NIAGARA	2 169	1 848	17.4

Exhibit C, Annexed to Amended Complaint.

(See opposite page.) ☞

FRANK C. MOORE
CHAIRMAN
Sal J. Prezioso
[illegible]
[illegible]
JOSEPH H. MURPHY
Richard A. Wiebe
Frederick O'R. Hayes

STATE OF NEW YORK
EXECUTIVE DEPARTMENT — OFFICE FOR LOCAL GOVERNMENT
STATE BOARD OF EQUALIZATION AND ASSESSMENT
155 WASHINGTON AVENUE
ALBANY, N. Y. 12210

DOROTHY D. ANGELUS
Director
State Aid Section

January 19, 1972

Mr. Jay F. Korth
Village Hall
1 Columbus Drive
Lynbrook, New York 11563

Dear Mr. Korth:

Enclosed is the tabulation you requested showing the amounts of per capita state aid under the revenue sharing program the municipalities in Nassau County received in state fiscal year ending March 31, 1972.

We hope this information is helpful to you.

Very truly yours,

(Miss) Mary E. Lynch

Mary E. Lynch
Senior Research Analyst

Enclosure

MEL:ew

January 19, 1972

AMOUNT OF PER CAPITA AID UNDER REVENUE SHARING PROGRAM PAID TO NASSAU COUNTY AND THE CITIES, TOWNS, AND VILLAGES LOCATED THEREIN IN STATE FISCAL YEAR ENDING MARCH 31, 1972

Municipality	State Aid
Nassau County	$ 1,137,818
Cities	
Glen Cove	279,404
Special City Aid	548,899
Long Beach	277,434
Special City Aid	705,602
Towns	
Hempstead	
Town-wide purposes	3,486,249
Town-outside vg. purposes	1,606,236
North Hempstead	
Town-wide purposes	1,022,081
Town-outside vg. purposes	261,826
Oyster Bay	
Town-wide purposes	1,449,757
Town-outside vg. purposes	721,530
Villages	
Bellerose	5,009
Cedarhurst	30,611
East Rockaway	50,587
Floral Park	89,359
Freeport	207,742
Garden City	111,904
Hempstead	173,818
Hewlett Bay Park	2,583
Hewlett Harbor	$ 6,814
Hewlett Neck	2,332
Island Park	35,366
Lawrence	28,958
Lynbrook	120,882
Malverne	47,335
Rockville Centre	122,719
South Floral Park	5,815
Stewart Manor	9,760
Valley Stream	202,992
Woodsburgh	3,603
Mineola	96,345
New Hyde Park	44,615
Atlantic Beach	7,233
Baxter Estates	4,524
East Hills	38,260
East Williston	12,383
Flower Hill	19,784
Great Neck	47,327
Great Neck Estates	13,808
Great Neck Plaza	26,113
Kensington	6,977
Kings Point	24,759
Lake Success	14,350
Manor Haven	30,255
Munsey Park	13,143

Municipality	State Aid	Municipality	State Aid
Villages - cont'd			
North Hills	$ 1,301	Cove Neck	$ 1,516
Old Westbury	11,762	Farmingdale	51,253
Plandome	7,024	Lattingtown	7,818
Plandome Heights	4,551	Laurel Hollow	6,178
Plandome Manor	3,682	Old Brookville	7,872
Port Washington North	13,597	Massapequa Park	131,385
Roslyn	11,228	Oyster Bay Cove	5,821
Roslyn Estates	6,262	Matinecock	3,708
Roslyn Harbor	4,308	Sea Cliff	28,502
Russell Gardens	5,177	Mill Neck	4,330
Saddle Rock	3,947	Upper Brookville	5,212
Sands Point	12,860	Muttontown	9,177
Thomaston	10,963		
Westbury	73,397		
Williston Park	51,587		
Bayville	28,616		
Brookville	14,166		
Centre Island	1,649		

Note: Any deductions required on account of social security, corporation franchise tax and overpayment in 1970-71 to certain villages in Nassau County are not reflected in the amounts shown on this table.

EXHIBIT D, ANNEXED TO AMENDED COMPLAINT.

BREAKDOWN FOR LI
REVENUE SHARING

A breakdown of the federal revenue sharing funds in a bill proposed by Rep. Wilber Mills has been released showing the amounts that could come to cities, villages and county governments in Nassau and Suffolk.

Under this proposal, the federal money would provide supplemental funds on top of state money for public services. Statewide, the federal bill could mean an excess revenue of $500 million if the plan is approved by Congress.

Here is what the bill would mean to Nassau and Suffolk:

NASSAU—Total to local governments—$27,385,068.
Nassau county government—$16,576,481.

Cities and villages:

Bayville, $53,387; Brookville, $25,939; Cedarhurst, $58,661; East Hills, $62,022; East Rockaway, $90,328; East Williston, $21,090; Farmingdale, $66,345; Floral Park, $174,000; Flower Hill, $32,091; Freeport, $374,543; Garden City, $198,184; *Glen Cove, $235,532;* Great Neck, $85,748; Great Neck Estates, $21,151; Great Neck Plaza, $45,237.

Hempstead, $380,985; Island Park, $57,616; Kings Point, $48,406; Lake Success, $22,985; Lawrence, $47,106; Long Beach, $299,477; *Lynbrook, $218,203;* Malverne, $97,244; Manorhaven, $52,413; Massapequa Park, $214,137; Mineola, $200,424; Munsey Park, $21,523; New Hyde Park, $97,073; Old Westbury, $16,582; Port Washington North, $25,624; Rockville Centre, $225,110; Roslyn, $20,657.

EXHIBIT D, ANNEXED TO AMENDED COMPLAINT

Sands Point, $20,153; Sea Cliff, $51,651; Valley Stream, $378,619; Westbury, $135,844.

SUFFOLK—Total to local governments—$20,731,404 Suffolk county government—$11,613,542.

Villages:

Amityville (illegible) 6,006; Babylon, $188,002; Bellport, $38,643; (illegible), $45,072; Lindenhurst, $424,179; Lloyd Har (illegible) 338; Northport, $93,300; Patchogue, $169,552; Southampton, $63,192, and Port Jefferson, $74,382.

(L. I. Press, 4/23/72.)

Opinion of the United States Court of Appeals for the Second Circuit.

UNITED STATES COURT OF APPEALS.

FOR THE SECOND CIRCUIT.

No. 40—September Term, 1973.

(Argued October 19, 1973 Decided December 21, 1973.)

Docket No. 72-2331

FRANCIS X. BECKER, individually and on behalf of all other taxpayers of the Village of Lynbrook similarly situated, and on behalf of all other taxpayers residing in the incorporated villages of the State of New York similarly situated, and FRANCIS X. BECKER, Mayor of the Incorporated Village of Lynbrook, New York, WILLIAM E. BUZZEO, KURT ARNDT, WILLIAM J. O'BRIEN and LAWRENCE B. FLORIO, individually and as Trustees of the Incorporated Village of Lynbrook and the INCORPORATED VILLAGE OF LYNBROOK, NEW YORK,

Plaintiffs-Appellants,

against

ARTHUR LEVITT, as Comptroller of the State of New York, and NORMAN F. GALLMAN, as Commissioner of Taxation & Finance of the State of New York,

Defendants-Appellees.

Before:

Medina, Lumbard and Timbers, Circuit Judges.

Appeal from an order of the United States District Court for the Eastern District of New York, Anthony J. Travia, Judge.

The Incorporated Village of Lynbrook, New York, Francis X. Becker, a taxpayer and Mayor of Lynbrook, also others individually and as trustees of Lynbrook, appeal from an order dismissing their complaint against the Comptroller and the Commissioner of Taxation & Finance of the State of New York in a case seeking an adjudication holding Sections 54(2)(a)(d), and (e) of the New York State Finance Law unconstitutional as violative of the Equal Protection Clause of the Fourteenth Amendment. No opinion below.

Affirmed for lack of subject matter jurisdiction as the case presents no substantial federal question.

Jay F. Korth, Lynbrook, New York, for Plaintiffs-Appellants.

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MEDINA, Circuit Judge:

As demands for additional services and the effects of inflation made themselves felt, the State of New York embarked upon a comprehensive program of revenue sharing with the cities, towns, villages and counties of the State of New York. In 1970 the State Legislature made substantial changes in this program for the purpose of giving further aid to these political subdivisions of the state. Supplementing the basic amounts made payable to each county, town, village and city as provided in Section 54, paragraphs (a), (b), and (c), two new paragraphs of Section 54 provided for the payment of further

specific payments to each county, town, village and city and an "[A]dditional city apportionment" in the amount of 9% of the total state personal income tax collections during the prior fiscal year. This amount is by Section 54(2)(e) of the State Finance Law made payable "to such cities on the basis of the percentage that the total population of each city bears to the total population of all cities in the state." It is this Section 54(2)(e), as well as Sections 54(2)(a) and (d), that is under attack in this case as failing to provide the villages of the State, including Lynbrook and their officials and taxpayers the equal protection of the laws required by the Fourteenth Amendment.

The defendants, Arthur Levitt as Comptroller and Norman F. Gallman as Commissioner of Taxation & Finance of the State of New York, moved to dismiss the complaint for lack of subject matter jurisdiction in the federal courts and for failure to state a claim for relief that is discussed in the briefs in terms of lack of standing to maintain the action. Judge Travia, after considering the briefs submitted by the parties and hearing extended oral argument, made an order denying appellants' application for the appointment of a three-judge court and he dismissed the complaint. There is no opinion below and the dismissal was apparently both because of a lack of standing by appellants to maintain the action and because it was manifest on the face of the complaint that the case did not present for adjudication any substantial federal question sufficient to form a basis for subject matter jurisdiction. The plaintiffs appeal from this order. We do not reach the question of standing as we find the complaint fails to present any substantial federal question and it is thus clear that the court below lacked subject matter jurisdiction.

The substance of the claim asserted by the Village of Lynbrook and its taxpayers and local officials is that they have no objection to the general distribution of state

revenues to the counties, towns, villages, and cities in Section 54 except as it provides for additional city apportionment in Sections 54(2)(a), (d), and (e). Appellants characterize this legislation as not only unfair, unjust and discriminatory but "a blatant exaltation of form over substance," confiscatory and "absolutely arbitrary and capricious," because thirty-two of the cities are smaller than the Village of Lynbrook, and because as is alleged the Village of Lynbrook furnishes greater services "quantitatively and qualitatively" than do "most of the cities." It is further alleged in the complaint that appellants have found that the small City of Sherrill with a population of 2986 received in the fiscal year 1972 total state aid in the sum of $97,987, whereas the Village of Lynbrook, with seven times its population received only $120,882.

Nevertheless, we find no substantial federal question in the case for the simple reason that there is a reasonable relation between the statutory scheme, including the challenged provisions for additional aid to the cities, and the avowed purpose of assisting all the local governments, including the cities, which "continue to need special aid to help meet the particular responsibilities assigned to them by statute." 1970 Legislative Annual, at 202.

I

Very few facets of modern life in America are as perplexing to the average citizen as the maze of overlapping political subdivisions of the establishment by which the states are governed. This is peculiarly true of the State of New York. There are counties and towns, there are villages some of which are incorporated and some of which are not. In some cases the villages are within the territorial boundaries of the towns and in other cases partly within and partly without these boundaries. There are also cities, large and small. The problems these

political subdivisions of the State are called upon to solve are legion. There are uplands and wetlands, beaches and estuaries, and an endless number of lakes and rivers, large and small. Highways must be repaired and maintained. Transportation difficulties vary from one locality to another. Schools and libraries must be built, maintained and staffed. Provision must often be made for ambulance and hospital service in varying degrees. In some cities and in some villages civic minded citizens form Beautification Committees and these Committees are busy recommending tree planting programs, parking lot facilities and the removal of unsightly public utility poles, rotting trees and sometimes dilapidated vacant and unoccupied buildings and shacks in which narcotics operators and addicts, as well as vandals and other undesirables gather to bedevil the community. There are often sewage problems of the most serious character. The necessity for regulation of pollution and water supplies is far from a mere speck on the horizon. All these matters, together with the burden of welfare costs, are regulated by a bewildering congeries of laws which are constantly being passed not only by the State Legislature but by duly authorized legislative or quasi-legislative bodies in the cities, counties, towns and villages. And the demand for and the furnishing of this multiplicity of services is in a continual state of flux due to rapid and often dramatic shifts in population from one place to another.

The cities, even though some are smaller in population than the villages, have more extensive powers and duties than the villages. Compare General City Law, Section 20 with Village Law, Section 89. The laws of New York are characterized by the distinctions often drawn between the cities and the villages which reflect the greater needs of the cities, regardless of their size. Cities can bear a greater burden of the welfare costs since cities are expected to participate in the funding of county-wide public welfare districts. The villages do not have similar re-

sponsibilities. Social Welfare Law Section 69. Villages are able to contract for police and fire protection, whereas cities cannot do so. See General City Law Section 20, subdivisions 12, 13 and Village Law Section 89, subdivisions 24, 24-a.

To describe the whole spectrum of duties and responsibilities of the cities, counties, towns and villages of the State of New York, and to catalogue the services now being rendered by each of them to the public, together with the new and expanding services not yet being performed in given cases, but clearly contemplated by the nexus of general and local laws of one kind or another, is a task we are wholly unequipped to undertake. But the members of the Legislature of the State of New York have this intimate knowledge of local conditions and in the exercise of their special expertise in such matters they have evolved the whole complicated and comprehensive statutory plan of revenue sharing, of which Sections 54(2)(a), (d), and (e) are but a very small part. We cannot doubt that such revenue sharing is a legitimate function of the Legislature.

Such is the propensity of human beings to believe they are being discriminated against that it is fair to say that the ingenuity of man is unequal to the task of devising a scheme of revenue sharing that will please everybody.

Section 54 must be considered in its entirety. When this is done, we think it is demonstrable that the legislation, and especially the amendments of 1970 that are under attack in this case, bears some rational relationship to a legitimate state purpose.

We find that the inclusion of Sections 54(2)(a), (d), and (e) is neither arbitrary nor capricious, nor does it appear to us to be unreasonable or in any manner confiscatory.

II

In order to determine whether or not a three-judge court should be convened we must study the relevant decisional

law. If we find there is some validity to the claim, a three-judge court must decide the constitutional questions involved in the case. *City of New York v. Richardson*, 473 F. 2d 923 (2d Cir.), *cert. denied*, —— U. S. —— (1973). On the other hand, if it appears on examination of the cases that the claim is "essentially frivolous," "wholly unsubstantial" or "obviously frivolous," we have no alternative other than to deny the application for a three-judge court and dismiss the case for lack of jurisdiction. *Goosby v. Osser*, 409 U. S. 512 (1973); *California Water Service Co. v. City of Redding*, 304 U. S. 252 (1938).

As will appear in the ensuing discussion, there is absolutely nothing of any legal substance in any of the claims of appellants that the Village of Lynbrook or its officials or taxpayers have, by virtue of Sections 54(2)(a), (d), and (e) of the State Finance Law of New York, been denied the equal protection of the laws guaranteed by the Fourteenth Amendment.

To begin with, the courts have always been extremely reluctant to interfere with the taxing and spending powers of the legislatures of the states. *Allied Stores of Ohio v. Bowers*, 358 U. S. 522 (1959); *Madden v. Kentucky*, 309 U. S. 83 (1940); *Carmichael v. Southern Coal and Coke Co.*, 301 U. S. 495 (1937); *State Board of Tax Commissioners of Indiana v. Jackson*, 283 U. S. 527 (1931); *Dane v. Jackson*, 256 U. S. 589 (1921). The traditional equal protection test requires no more than a showing of some rational connection between the statute under attack and a legitimate state purpose. When the circumstances of a particular case compel such a finding, the presumption of constitutionality prevails. *San Antonio Independent School District v. Rodriguez*, 411 U. S. 1 (1973).

It is true that the presumption of constitutionality disappears and the courts apply a stricter test and conduct a searching judicial scrutiny where the state statute under attack creates a "suspect" classification or impinges upon constitutionally protected rights. For example, classifica-

tions based upon race, national origin, alienage, indigency or illegitimacy are inherently "suspect." *Oyama v. California*, 332 U. S. 633 (1948); *Graham v. Richardson*, 403 U. S. 365 (1971); *Griffin v. Illinois*, 351 U. S. 12 (1956); *Gomez v. Perez*, 409 U. S. 535 (1973). But it is clear to us that nothing in New York's comprehensive revenue sharing laws, including the 1970 amendments, calls for the application of this "stricter rule." Nor do appellants make any such contention.

Affirmed.

LUMBARD, *Circuit Judge* (concurring):

I agree with Judge Medina that the district court's dismissal of the complaint must be affirmed, but I wish to state separately my reasons for so agreeing.

Appellants challenge the constitutionality of the New York State Finance Law §§ 54(2)(a), (d), (e) (McKinney Supp. 1973), which grant more state aid proportionately for cities than for villages.[1] Appellants claim that this favoring of cities over villages denies villages and their taxpayers the equal protection of the laws. Seeking to enjoin appellees, the Comptroller and the Commissioner of Taxation and Finance of the State of New York, from distributing any funds under the challenged sections, appellants asked that a three-judge court pursuant to 28 U.S.C. §2281 be convened. The district court, however, dismissed the complaint.

Under §2281 we must remand this case with orders to convene a three-judge court unless we find that prior decisions of the Supreme Court have rendered appellants' claim frivolous. See, e. g., *Goosby v. Osser*, 409 U. S. 512,

[1]Appellants' complaint challenged sections 54(2)(a), (f), (g), as these sections were numbered by chapter 142 of New York Laws of 1970. A 1973 amendment to the State Finance Law changed the section numbers of the challenged portions of the Law but did not otherwise change them.

518 (1973). Although no Supreme Court case that deals with a similar challenge to a state revenue-sharing measure has been cited to us, analogous decisions of the Court have clearly foreclosed serious consideration of the complaint in this case.

Last term in *San Antonio Independent School District v. Rodriguez*, 411 U. S. 1 (1973), the Court upheld the method by which Texas financed its public schools. The decision makes it clear that only a rational relation between the statutory purpose and the classification employed is necessary to sustain a state finance law.[2] Appellants concede, as they must, that there is a justification for giving proportionately more aid to large cities, like New York and Buffalo, than to villages like Lynbrook.[3] Their complaint is that not all cities need this larger amount of aid and that the classification between cities and villages is needlessly imprecise in determining which political subdivisions need the most financial help.

When stated this way, the claim must fail. It is old learning that under the rational relation standard of judicial review, classifications need not be mathematically precise. *Lindsley v. Natural Carbonic Gas Co.*, 220 U. S. 61, 78 (1911). This principle has been recently reaffirmed in cases analogous to this one. State welfare schemes have been upheld even though the classifications employed were imprecise. See *Jefferson v. Hackney*, 406 U. S. 535 (1972); *Dandridge v. Williams*, 397 U. S. 471 (1970). Similarly,

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[2]Of course, a compelling state interest would be required if the statute employed a suspect classification or affected a fundamental interest. This is not the case here.

[3]This distinguishes *City of New York v. Richardson*, 473 F. 2d 923 (2d Cir. 1973), in which we ordered that that claim be heard before a three-judge court. There the State of New York offered no justification for laws which required the City of New York pay a proportionately higher percentage of the state's welfare costs than its percentage of the total state population and no justification was apparent to us. 473 F. 2d at 931-32.

classifications in taxation laws have been sustained although the classifications were not perfectly related to the statutory purpose. See *Lehnhausen v. Lake Share Auto Parts Co.*, 410 U. S. 356 (1973); *Allied Stores of Ohio, Inc. v. Bowers*, 358 U. S. 522 (1959).

Judge Medina notes that all cities, big or small, have statutory duties not imposed on villages. Appellants claim that New York could more precisely determine the needs and duties of its subdivisions in granting state aid, but under the rational relation standard the state need not employ the most precise classification imaginable. See *San Antonio Independent School District v. Rodriguez*, *supra*, 411 U. S. at 51. All that is necessary is that a conceivable basis can be perceived for granting more aid to cities than to villages, see *McGowan v. Maryland*, 366 U. S. 420, 425-26 (1961), and that basis has been conceded here.[4]

Accordingly, I concur in affirming the order of the district court.

TIMBERS, *Circuit Judge:*

I concur in Judge Medina's opinion and also in Judge Lumbard's concurring opinion.

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[4]Like Judge Medina, I do not reach the issue of whether the individual taxpayers have standing to raise the claim at issue here. It is clear that the Village of Lynbrook does not have standing. *Williams v. Mayor & City Council of Baltimore*, 289 U. S. 36 (1933); *City of New York v. Richardson*, 473 F. 2d 923, 929 (2d Cir. 1973). The question of village taxpayers' standing to challenge a state finance law is, however, more difficult, and here, as in *Curran v. Lee*, No. 73-1374 (2d Cir., Oct. 3, 1973), it is more appropriate to decide the substantive issue instead of the standing issue.